

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



April 6, 2011

Paul Lee, Fire Marshal, Battalion Chief
County of San Luis Obispo
635 N. Santa Rosa
San Luis Obispo, CA 93405

Dear Mr. Lee:

This letter is to acknowledge receipt on March 2, 2011, of the Avila Beach Community Service District submittal pertaining to Ordinance No. 2010-01 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read 'Enrique M. Rodriguez'.

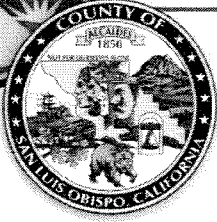
Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805-543-4244 • Fax: 805-543-4248
www.calfireslo.org



Robert Lewin, Acting Fire Chief

December 28, 2010

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Mr. Dave Walls

California Health and Safety Code Section 17958.7 requires that express findings and amendments to the California Fire Code be filed with the California Building Standards Commission (CBSC). Enclosed is a copy of the Avila Beach Community Service District ordinance and resolution adopting and amending the 2010 California Fire Code.

Sincerely,

Paul Lee, Fire Marshal
Battalion Chief

RECEIVED
2011 MAR -2 A 11:46
CALIFORNIA BUILDING
STANDARDS COMMISSION

Paul Lee
Fire

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday February 1, 2011

PRESENT: Supervisor Frank Mecham, Bruce S. Gibson, Paul A. Teixeira, James R. Patterson and
Chairperson Adam Hill

ABSENT: None

RESOLUTION NO. 2011-33

**RESOLUTION RATIFYING THE AVILA BEACH COMMUNITY SERVICES
DISTRICT APPROVAL OF AN ORDINANCE ADOPTING AND AMENDING THE 2010
CALIFORNIA FIRE CODE, INCLUDING ANNUAL SUPPLEMENTS, STATE
AMENDMENTS, AND ERRATA.**

The following resolution is hereby offered and read:

WHEREAS, on December 14, 2010 the Board of Directors of the Avila Beach Community
Services District approved Ordinance 2010-01 adopting and amending the 2010 edition of the California
Fire Code; and

WHEREAS, the Ordinance will apply to the area within the boundaries of the Avila Beach
Community Services District which lies entirely within the County of San Luis Obispo; and

WHEREAS, the Board of Directors of the Avila Beach Community Services District has
transmitted its adopted Ordinance and findings to the County of San Luis Obispo in accordance with
California Health and Safety Code sections 13869.7, 17958.7, and 18941.5; and

WHEREAS, the Ordinance adopted by the Avila Beach Community Services District cannot take
effect until the County of San Luis Obispo ratifies, modifies or denies the Ordinance and files a copy of
the findings of the district together with the adopted Ordinance with the California Building Standards
Commission; and

WHEREAS, the Ordinance has been reviewed by the Chief Building Official and the County Fire
Chief and letters of comment have been submitted to the Board of Supervisors; and

WHEREAS, the Board of Supervisors finds that ratification of the Ordinance is necessary to
protect lives, health and property, and the community and environment generally;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Board of Supervisors of
the County of San Luis Obispo, State of California, ratifies the Avila Beach Community Services District
Ordinance 2010-01 adopting and amending the 2010 California Fire Code, including annual supplements,
State amendments, and errata, and directs staff to transmit the necessary information, including the letters
of comment from the County Fire Department and the Chief Building Official, to the California Building
Standards Commission.

Upon motion of Supervisor Mecham , seconded by Supervisor Gibson, and on the following roll call vote, to-wit:

AYES: Supervisors Mecham, Gibson, Teixeira, Patterson and Chairperson Hill

NOES: None

ABSENT: None

ABSTAINING: None

The foregoing resolution is hereby adopted:

ADAM HILL

ATTEST:

Chairperson of the Board of Supervisors

Julie L. Rodewald
Clerk of the Board of Supervisors

BY: Sandy Currens
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT

Warren Jensen, County Counsel

By: /s/ Nina Negranti
Deputy County Counsel

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, JULIE L. RODEWALD, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors this 4th day of February, 2011.

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: Sandy Currens
Deputy Clerk

ORDINANCE NO. 2010-01

**AN ORDINANCE OF THE AVILA BEACH COMMUNITY SERVICE DISTRICT
AMENDING AND RESTATING THE DISTRICT'S FIRE CODE FOUND IN TITLE 15
OF THE AVILA BEACH COMMUNITY SERVICE DISTRICT CODES, INCLUDING
THE ADOPTION OF THE 2010 EDITION OF THE CALIFORNIA FIRE CODE,
INCLUDING ANNUAL SUPPLEMENTS AND STATE AMENDMENTS AND ERRATA.**

WHEREAS, it is the desire and intent of the Avila Beach Community Services District ("District") to provide citizens with the greatest degree of protection from fire; and

WHEREAS, the California Building Standards Code, Title 24, which includes the California Fire Code, which is based on the 2009 International Fire Code, is adopted every three years by order of the California Legislature with supplements published in intervening years; and

WHEREAS, The District contracts with the California Department of Forestry and the Fire Protection for fire protection and enforcement of the District's Fire Code; and

WHEREAS, the Avila Beach Community Services District proposes to make certain changes in the requirements of the 2010 California Fire Code which are more restrictive than State law and will affect all occupancies within the District; and,

WHEREAS, California Health and Safety Code Section 17958.5 requires the District to make express findings that due to local climatic, geological, or topographical conditions that modifications and changes to the current California Building Code are reasonably necessary to provide sufficient and effective protection of life, health, and property before adopting such changes, and Section 17958.7 requires that such findings be filed with the California Building Standards Commission.

WHEREAS, the latest edition of the California Building Standards Code was published and adopted this year and has the force of law beginning January 1, 2011 and any local additions, amendments and deletions must then be incorporated; and

WHEREAS, this ordinance will adopt and amend the 2010 California Fire Code including annual supplements and State amendments and errata; and

NOW THEREFORE, the Board of Directors of the Avila Beach Community Services District ordains as follows:

SECTION 1

- A. **General.** Pursuant to Health and Safety Code §17958.5, the Avila Beach Community Services District hereby finds that due to local climatic, geologic and topographic conditions as stated in this section, that modifications and amendments, as identified in this Ordinance to the current California Building

Standards Code (including the California Fire Code) are reasonably necessary to provide sufficient and effective protection of life, health and property.

- B. **Climatic.** The Avila Beach Community Services District experiences periods of high fire danger due to weather conditions. These conditions create an environment in which the Fire Department can be committed to the control and extinguishment of wildland interface fires. During such periods, the limited available firefighting resources may have great difficulty in controlling fires in structures not having built-in fire protection. Further, floods are another hazard to which the Avila Beach Community Services District is subject. A flood or tidal inundation in the District of Avila would reduce the movement of fire apparatus. Two large fires at the same time during these climatic conditions would be disastrous. Automatic fire sprinklers may be the only fire control inside buildings within the flood area. Any delay in structural firefighting could allow a fire to quickly involve a number of buildings. Additional fire apparatus and equipment from other communities responding on a mutual aid request may not be able to reach some fire areas. Some weather conditions also create an environment in which the Fire Department has a reduction in visibility. During such periods this reduction in visibility is caused by Coastal Fog or dust which can cause a delay in locating an incident.
- C. **Geological.** The Avila Beach Community Services District is in a potential high activity seismic zone. After a large seismic event, the potential for multiple fires occurring simultaneously will tax available firefighting resources. Near shore and long distance Tsunami's can flood and damage sections of the coast. During flooding events it is well documented that building and other fires can occur. Built-in fire protection will assist in extinguishing or controlling fires in larger structures which will increase the availability of firefighting resources after seismic activity.
- D. **Topographical.** The Avila Beach Community Services District is an isolated community that is surrounded by steep coastal hills on one side and the Pacific Ocean on the other. Emergency responses in the District require a longer response time as responders traverse the limited access roads created by this topography. These delays will allow fires to grow beyond the control of initial attack fire suppression efforts. In addition, wildland interface fires in the hills around the District are more difficult to fight and expose multiple structures to a fire at one time, quickly overwhelming emergency responders. Therefore, built-in fire protection is necessary.

SECTION 2 Chapter 15.08 of the District's Fire Code is Amended and Restated as follows:

Chapter 15.08
Fire Control Regulations

Sections:

15.08.010	Scope
15.08.020	Nationally recognized standards
15.08.030	Adoption of the California Fire Code
15.08.050	Definitions
15.08.060	Authority to Inspect
15.08.070	Amendments made in the California Fire Code
15.08.080	Fire Hazards/Weed and Waste Matter Abatement

Title 15 HEALTH AND SAFETY

Chapter 15.08 FIRE CONTROL REGULATIONS

15.08.010 Scope.

An Ordinance of the Avila Beach Community Services District amending and restating the District's Fire Code including adopting the 2010 edition of the California Fire Code with amendments, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Avila Beach Community Services District ("District") providing for the issuance of permits and collection of fees.

15.08.020 Nationally recognized standards.

Where no applicable standards or requirements are set out in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the District, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire-safety standards as approved by the fire chief shall be deemed prima facie evidence of compliance with the intent of this code.

15.08.030 Adoption of the 2010 California Fire Code by Reference.

Except as amended by Sections 15.08.050 through 15.08.080 (below) the Avila Beach Community Services District adopts by reference the 2010 Fire Code with the exception of Appendix A, D, E, G and J in its entirety. Title 15 of the Avila Beach Community Service District Regulations is hereby amended and restated accordingly. All annual supplements and State Amendments and Errata to the 2010 California Fire Code, that are not inconsistent with this Ordinance, are incorporated herein by reference.

15.08.050 Definitions

- A. District Fire Chief, Fire Chief or Chief Fire Official means the California Department of Forestry and Fire Protection/San Luis Obispo County Fire Chief.
- B. The District Fire Department means the California Department of Forestry and Fire Protection and employees, apparatus, materials and equipment assigned to it by the District and the California Department of Forestry and Fire Protection pursuant to contract.
- C. Property Owner means the owner of property whose name and address appears on the latest equalized County assessment roll.
- D. Governing Body or Appointing Authority means the District Board of Directors.
- E. Jurisdiction means the boundary of the Avila Beach Community Services District.

15.08.060 Authority to Inspect

Employees of the District Fire Department are authorized to enter upon any property or premises to ascertain whether the provisions of the Fire Code are being violated, and to make any examinations, inspections and surveys as may be necessary in the performance of their enforcement duties. Examinations may include the taking of photographs, samples or other physical evidence. All inspections, entries, examinations and surveys shall be done in a reasonable manner. If an owner, occupant or agent refuses permission to enter or inspect, the Fire Code Official may seek an administrative inspection warrant pursuant to the procedures provided for in California Code of Civil Procedure Section 1822.50 through 1822.59.

15.08.070 Amendments made in the California Fire Code.

The California Fire Code, 2010 Edition, is amended, changed and incorporated into the District's Fire Code as follows:

1. Amend Chapter 1 Section 103 Department of Fire Prevention to read as follows:

101.1 Title. These regulations, including Sections 15.08.010 through 15.08.070, shall be known as the *Fire Code* of the Avila Beach Community Services District, and may be cited at Avila Beach Community Services District Fire Code, ABCSD Fire Code, or the District Fire Code, hereinafter referred to as "this code" or the District's Fire Code.

103.3.1 Fire prevention bureau personnel, police officer authority and enforcement.

- A. The California Department of Forestry and Fire Protection/San Luis Obispo County Fire Chief is:
 - 1 The Chief Fire Official and is charged with the enforcement and administration of the District Fire Code.
 - 2 The Board of Directors' authorized representative to appoint Fire Code Official(s).
 - 3 The Board of Directors' authorized representative to appoint member of the California Department of Forestry and Fire Protection with the authority of peace officers or public officers pursuant to California Penal Code sections 830.2(g), 830.7(d) and 836.5(a) in performing their duties under the California Fire Code.
 - B. The Fire Chief is authorized to make necessary and reasonable policies and procedures that are consistent with the provisions of this Fire Code to aid in its implementation.
2. Amend Chapter 1 Section 105 Permits read as follows:

105.3.3 Occupancy and use prohibited before approval. The building or structure shall not be occupied prior to the fire code official issuing a permit that indicates that applicable provisions of this code have been met. No appliance, device, equipment, or system shall be operated or used until the installation has been approved and permitted by the fire code official and all applicable provisions of this code have been met. It shall be the duty of the permit applicant or contractor or both to cause the work to remain accessible and exposed for inspection purposes.

3. Amend Chapter 1 Section 108 Board of Appeals to read as follows:

108.1 Board of Appeals Established. In order to hear and decide appeals of orders, decisions or determination made by the Fire Code Official relative to the application and interpretation of this Fire Code, there shall be and is hereby created a Board of Appeals. Until such time as the District Board of Directors appoints members to the Board of Appeals, the Board of Appeals shall be the Board of Appeals appointed by the County of San Luis Obispo. The rules of procedure for conducting the business of the Board of Appeals shall be those procedures established by the County of San Luis Obispo. The District Manager shall provide staff services for the Board of Appeals. The Board of Appeals shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Code Official. The fee for appeals shall be consistent with the fees established by the District Board of Directors.

4. Amend Chapter 1 Section 109 Violations to read as follows:

109.3 Violations.

- A. Unlawful acts. It shall be unlawful for a person, firm or corporation to
1. Erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this Fire Code, or cause same to be done, in conflict with or in violation of any of the provisions of this Fire Code.
 2. To violate any provision or to fail to comply with any of the requirements of this Fire Code.
 3. To cause, aid, abet, or conceal the fact of a violation of this Fire Code.
- B. Notice of violation. When the Fire Code Official finds a violation referenced in Paragraphs A (1), (2), or (3), above, the Fire Code Official is authorized to prepare a written notice of violation describing the violation and, when compliance is not immediate, specifying a time for re-inspection.
1. Service. A notice of violation issued pursuant to this Fire Code shall be served upon the Property Owner, operator, occupant or the person responsible for the condition or violation, either by personal service, mail or delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy the such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the Property Owner, occupant or both.
 2. Compliance with orders and notices. A notice of violation issued or served as provided by this Fire Code shall be complied with by the Property Owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.
 3. Prosecution of violation. If the notice of violation is not complied with promptly, the Fire Code Official is authorized to request District Legal Counsel to institute the appropriate legal proceedings at law or in equity to restrain, correct, or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Fire Code or of the order or direction made pursuant hereto.

4. Unauthorized tampering. Signs, tags or seals posted or affixed by the Fire Code Official shall not be mutilated, destroyed or tampered with or removed without authorization from the Fire Code Official.
- C. Violation penalties. Persons (as defined in Chapter 2) who shall violate a provision of this Fire Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this Fire Code, shall be guilty of a misdemeanor except for those specifically declared by the Fire Code to be an infraction. Notwithstanding any other provision of the Fire Code, any misdemeanor violation or failure to comply may, in the discretion of the District Legal Counsel or the Fire Code Official, be initially charged or subsequently prosecuted as an infraction. Each and every infraction violation is punishable by a fine not exceeding one hundred (\$100) dollars for a first violation; a fine not exceeding two hundred (\$200) dollars for a second violation of the Fire Code within one (1) year; and a fine not exceeding five hundred (\$500) dollars for a third violation of the Fire Code within one (1) year. Each and every misdemeanor violation is punishable by a fine not exceeding one thousand (\$1,000) dollars, or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.
1. Abatement of violation. In addition to the imposition of the penalties herein described, the Fire Code Official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.
 2. Continuing violations. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue.
- D. Separate offense. For each and every day, unless stated elsewhere, during any portion of which any violation of any provisions of this Fire Code is committed, continued, or permitted by such person (including firms or corporations) shall be a separate offense and punishable accordingly.
- E. Public Nuisance. Enforcement by Civil Action. In addition to the penalties provided in the Fire Code, any condition caused or permitted to exist in violation of any of the provisions of the Fire Code shall be deemed a public nuisance and may be abated as such, and every day such condition continues shall be regarded as a new and separate offense.
- F. Injunctive Relief. The Fire Code may also be enforced by injunction issued by the Superior Court upon the suit of the District. This method of

enforcement shall be cumulative and in no way affect the penal provisions hereof.

- G. Fees, Charges, Fines and Penalties. The amount of any fee, service charge, fine or penalty of any nature whatsoever imposed by any provision of this Fire Code shall be deemed a civil debt owing to the District, County or Court. An action may be commenced in the name of the District in any court of competent jurisdiction for the collection of the amount of any such delinquent or unpaid fee, service charge, fine or penalty together with any penalties applicable thereto as prescribed by this Fire Code.
- H. Collection of Fees, Charges, Fines and Penalties with Taxes. The Board of Directors hereby adopts the procedures for the collection of delinquent rates, charges, fines, penalties and fees established in Government Code Sections 61115(c) and (d) or any successor statutes. The General Manager or his/her designee is authorized to record a certificate specifying the amount of any such charges, fines, and fees and the name and address of the persons liable therefore, sixty (60) days after the payment becomes delinquent, pursuant to Government Code Section 61115(c).
- I. Remedies Cumulative. Enforcement of the provisions of this Fire Code and remedies for collection of various fees, charges, fines and penalties are cumulative and may be pursued alternatively or consecutively by the District. The District's use of any one of the remedies, legal actions or enforcement actions prescribed herein shall not bar the use of any other remedy, legal action or enforcement procedures provided by the Fire Code or by law for the purpose of enforcing the provisions hereof.

5. Amend Chapter 1 Section 111 Stop Work Order to read as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the criminal sanctions set forth in Health and Safety Code Section 13871.s.

6. Amend Section 202 General Definitions to read as follows:

A. Alteration. Any change or renovation to an existing structure other than a repair or addition. Alterations include but are not limited to the addition or elimination of walls within the existing building envelope. Alteration also includes modifications to the structure which involve complete removal and replacement of wall board within any room.

F. Floor Area Gross. For the purpose of calculating square footage for the application of fire sprinkler requirements and fire flow requirements, the floor area

shall include all combustible areas attached to the structure, including garages, patio covers, overhangs, covered walkways and etc.

7. Amend Section 405 Emergency Evacuation Drills to read as follows:

405.7 Initiation. Where a fire alarm system is provided, emergency evacuation drills shall be initiated by activating the fire alarm system. Prior to initiating an alarm, the person initiating the alarm shall contact the fire alarm monitoring company and advise the company's dispatcher of the fire drill. In cases where the fire alarm system is not monitored by a central station, notification shall be provided to the fire department dispatch center.

8. Amend Section 503 Fire Apparatus Access Roads to read as follows:

503.1.2.1 Maximum Dead-end Road Lengths. The maximum length of dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 500 feet.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads, no less than 40,000 lbs. of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

503.2.5.21 Cul-de-sac (temporary or permanent). The minimum outside turning radius shall be 40 feet unobstructed. The inside radius shall be 20 feet. When parking is permitted within the cul-de-sac, the minimum outside radius from center to curb shall be 48 feet or as approved by the fire code official.

503.2.6 Bridges. When a bridge or elevated surface is required to be used as access under this section, it shall be constructed and maintained in accordance with AASHTO HB-17, and shall use designed live loading sufficient to carry the imposed loads of a 40,000 lb. fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the Fire Chief. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, signs or both shall be installed and maintained when required by the fire code official.

503.2.7 Grade. The gradient for a fire apparatus access road shall not exceed 16% without approval by the Fire Chief.

503.2.9 Driveway. A driveway is permitted when it serves no more than two structures, with no more than 3 dwelling units a lot of record and any number of accessory structures.

503.2.9.1 Driveway. Width for high and very high fire severity zones:

Driveway Length	Required width
0-49 feet	10 feet is required
50-199 feet	12 feet is required
Greater than 200 feet	16 feet is required

503.2.9.2 Turnarounds. Turnarounds must be provided if driveway exceeds 300 feet, and shall be within 50 feet of the building.

503.2.9.3 Driveway grade. The minimum level of improvement shall be determined by the grade of driveway providing access from the road to the building site or parking area as follows:

Surface	Maximum Grade
All-weather ¹	Less than 12%
Nonskid ²	12% to 16%
Nonskid ²	Over 16%

Notes:

- (1) An all-weather surface road shall be maintained as specified in San Luis Obispo County Standard Specifications A-1j.
 - (2) Surface shall be asphalt or concrete as specified in San Luis Obispo County Standard Specifications and Improvement Drawings, including a nonskid finish.
1. Fuel Breaks - The Chief or his/her designee is authorized to cause an area within 10 feet on each side of the driveway to be cleared of flammable vegetation and other combustible growth. The Chief or his/her designee is authorized to enter upon private property to do so.

Exception:

Single specimens of trees, ornamental shrubbery, or cumulative groundcover such as green grass, ivy, succulents or similar plants used as groundcover provided they do not form a means of readily transmitting fire.

2. A turnout shall be provided near the midpoint.

3. For driveways exceeding 300 feet, a turn-around shall be at the building site and must be within 50 feet of the dwelling. For driveways exceeding 800 feet, turnouts shall be provided no more than 400 feet apart.

9. Amend Section 505 Premises Identification to read as follows:

505.1 Address Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. Address numbers shall be provided at additional locations on the building and at locations adjacent to roads or driveways leading to buildings when required by the fire code official. These numbers shall contrast with their background. The height and minimum stroke of numbers or letters shall be approved by the fire code official.

505.1.1 Directories. When required by the fire code official, complexes with multiple buildings may be required to provide directories, premises maps and directional signs. The scale, design and location of directory signs shall be approved by the fire code official and may be required to be illuminated.

10. Amend Section 603 Fuel-Fired Appliances to read as follows:

603.1.4 Fuel Oil. The grade of fuel oil used in a burner shall be that for which the burner is approved and as stipulated by the burner manufacturer. Oil containing gasoline shall not be used.

603.9 Gas meters. Above-ground gas meters, regulators and piping subject to damage shall be protected by a barrier complying with Section 312 or otherwise protected in an approved manner. Gas meters shall be permanently marked and identified as to the building or system served.

11. Amend Section 901 Fire Protection Systems, General - to read as follows:

901.4.2 Non-required fire protection systems. Any fire protection system or portion thereof not required by this code or the California Building Code may be allowed, when approved by the fire code official, to be furnished for partial or complete protection provided such installed system meets the requirements of this code and the California Building Code.

Exception:

1. An automatic fire sprinkler system shall not be permitted unless a complete system.

12. Amend Section 903 Automatic Sprinkler System - to read as follows:

903.2 Where required. An approved automatic fire sprinkler system shall be installed:

1. Throughout new buildings.

Exceptions:

1. A single-story building where floor area does not exceed 1000 square feet (92.9 m²) and the occupancy is not a Group R, Group H or Group I occupancy.
 2. A building that contains only a Group A, Division 5 occupancy.
2. Throughout existing and new sections of an existing building where floor area is increased by 1000 square feet or where alterations exceed fifty (50) percent of the floor area. Increase in floor area shall be cumulative from January 1, 2008, with each issuance of a building permit, regardless of any change of ownership.

Exception: Alterations limited to replacement of exterior coverings, windows, roofing, electrical services, sewer laterals, retaining walls, and routine plumbing, electrical and mechanical repairs.

3. Throughout existing and new sections of an existing building where an additional story is added.

Exception: A building that contains a Group R, Division 3 occupancy unless the resulting building will exceed two stories or where floor area is increased by 1000 square feet or where alterations exceed fifty (50) percent of the floor area. Increase in floor area shall be cumulative from January 1, 2008, with each issuance of a building permit, regardless of any change of ownership.

4. In additions to existing buildings equipped with an automatic fire sprinkler system.
5. Throughout existing and new sections of an existing building where there is an occupancy classification change which results in a higher hazard or as deemed necessary by the fire code official.

For the purpose of requiring the automatic fire sprinkler systems specified in this chapter, the floor area within the surrounding exterior walls shall be considered as one building.

903.2.4.3 Pyroxylin Plastics. An automatic sprinkler system shall be provided in buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored.

903.3.1.1.2 Exterior locations. Automatic fire sprinklers installed at exterior locations shall be approved corrosion-resistant devices when environmental conditions warrant.

Subsections 903.2.2, 903.2.3.1, 903.2.5, 903.2.6, 903.2.7.1, 903.2.8 and 903.2.11.2 through 903.2.18 are adopted without amendment.

13. Amend Section 905 Standpipe Systems to read as follows:

905.3.1 Building Height. Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access and in any parking structure above or below grade.

14. Amend Section 907 Fire Alarm and Detection System to read as follows:

907.7.5 Monitoring. Fire alarm systems required by this chapter or by the California Building Code shall be monitored by an approved central station service listed by Underwriters Laboratory for receiving fire alarms in accordance with NFPA 72. The central station shall contact and notify the fire dispatch center immediately on notification of an alarm and prior to making contact with the protected premises.

15. Amend Section 2206 Flammable and Combustible Liquid Motor Fuel-Dispensing Facility to read as follows:

2206.2 Method of storage. Approved methods of storage for Class I, II, and III liquid fuels at motor fuel-dispensing facilities shall be in accordance with Sections 2206.2.1 through 2206.2.5.

2206.2.3 Above-ground tanks located outside, above grade. Above-ground tanks shall not be used for the storage and dispensing of Class I, II, or III liquid motor fuels except when approved by the chief and in accordance with this Section, Section 3404.2.7 and Sections 3404.2.9.6 through Section 3404.2.9.6.3 and shall not be offered for resale.

3. Tanks containing fuels shall not exceed 8,000 gallon (30 274 L) in individual capacity or 16,000 gallons (60 549 L) in aggregate capacity. Installations with the maximum allowable aggregate capacity shall be separated from other such installations by not less than 100 feet (30 480 mm).

16. Amend Section 3204.3 to read as follows:

3204.3 Outdoor storage. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited, except when approved by the fire code official. Where outdoor storage of cryogenic fluids is allowed, containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials and shall be in accordance with Sections 3204.3.1 through 3204.3.1.2.3.

17. Amend Section 3309 Reserved to read as follows:

3309.1 Fireworks prohibited. The manufacturing, possession, storage sale, use and handling of fireworks, including without limitation, "Safe and Sane" fireworks, is prohibited.

Exceptions:

1. Use and handling of fireworks for professional display in accordance with Title 19, California Code of Regulations, Chapter 6 and a District Board resolution approving the public display.

3309.2 Seizure of Fireworks. The fire code official shall have the authority to seize, take and remove fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Title 19, California Code of Regulations, Chapter 6 and California Health and Safety Code, Chapter 9.

18. Amend Section 3404 Location of Containers to read as follows:

3404.2.9.6 Above-ground tanks outside of buildings. Protected above-ground tanks outside of buildings shall comply with Sections 3404.2.9.56.1 through 3404.2.9.56.3 and Section 2206.2.3.

3404.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I, Class II, and Class III liquids in unprotected above-ground tanks outside of buildings is prohibited. Tanks containing fuels shall not exceed 8,000 gallon (30 274 L) in individual capacity or 16,000 gallons (60 549 L) in aggregate capacity. Installations with the maximum allowable aggregate capacity shall be separated from other such installations by not less than 100 feet (30 480 mm).

19. Amend Section 3406 Special Operations to read as follows:

3406.2.4.4 Location where above-ground tanks are prohibited. Storage of Class I liquids in above ground tanks outside of buildings is prohibited. Class II and III liquids may be stored in approved above ground containers for the purpose of dispensing only at facilities where no sales to the public occur and comply with Section 3406.1. Above ground tanks containing Class II and Class III liquids shall not exceed 2,000 gallons. Plans for the installation of above ground tanks shall be submitted to the Fire Department for approval and in conformance

with applicable codes and standards. When required, a Conditional Use Permit shall be secured.

20. Amend Section 3804.2 Location of Containers to read as follows:

3804.2 Maximum capacity within established limits. The installation of any liquid petroleum gas tank over 500 gallons (1 892 L) water capacity is prohibited unless approved by the fire chief.

21. Amend Section 474902 Definitions to read as follows:

Wildland-Urban Interface Fire Area is a geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with Public Resources Code Sections 4201 through 4204 and Government Code Section 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. Areas within or in proximity to areas identified by the State as a "Fire Hazard Severity Zone" that pose a significant risk from wildfires will be considered by the Avila Beach Community Services District as a Wildland-Urban Interface Fire Area.

Section 15.08.80 is added to the Avila Beach Community Services District Fire Code as follows:

15.08.080 Fire Hazards/Weed and Waste Matter Abatement.

A. Introduction

Property Owners and affected properties are exempt where enforcement of this Chapter would result in the taking of endangered, rare, or threatened plant or animal species or will result in significant erosion and sedimentation of surface waters.

B. Weeds Constituting Fire Hazards.

1. All weeds which are described in paragraph B below, growing upon any property or in any public street, sidewalk, or alley which when exposed to the elements, endanger the public safety by creating a fire hazard, and/or impedes access to fire protection systems or facilities are declared by the District Board of Directors to be a public nuisance.
2. The term "weeds" includes:
 - a. Weeds which bear seeds of a downy or wingy nature; Sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property;
 - b. Weeds which are otherwise noxious or dangerous;

- c. Poison oak and poison ivy, when the conditions or growth are such as to constitute a menace to the public health;
- d. Dry grasses, stubble, brush, dead shrubs, dead trees, litter or other flammable material which endanger the public safety by creating a fire hazard.

C. Waste Matter Constituting a Fire Hazard.

Rubbish, litter and other flammable materials (collectively waste matter) which when exposed to the elements or which by reason of its location would hamper or interfere with the suppression or prevention of fire upon the premises, and/or endangers the public safety by creating a fire hazard, are declared by District Board of Directors to be a public nuisance.

D. Authority of Fire Code Official.

The Fire Code Official is authorized to determine the existence of a public nuisance and to abate the public nuisance pursuant to paragraphs E and F, below.

E. Summary Abatement of Fire Hazards.

1. Pursuant to Government Code Section 61100(t) the provisions of Part 5 (commencing with Section 14875) Division 12 of the Health and Safety Code are incorporated herein by reference.
2. In the application of the provisions of Part 5 (commencing with Section 14875) Division 12 of the Health and Safety Code, to proceedings under this Section, the terms "Board of Directors" shall be deemed to be a "Board of Supervisors" and the District Fire Code Official or his/her designees shall be deemed to be the "persons" designated in Section 14890 of the Health and Safety Code.

F. Violations.

The Fire Code Official is authorized to use provisions of Section 109.3 of this Fire Code, as amended to abate public nuisance.

SECTION 3. Incorporation of Recitals. The Recitals to this Ordinance are true and correct and are incorporated herein by this reference.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance and/or the Code Sections adopted by this Ordinance are for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and the Code Sections adopted by this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

SECTION 5. Effect of Headings in Ordinance. Title, division, part, chapter, article, and section headings contained herein or in the various Codes adopted hereby do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance or the related Code Sections.

SECTION 6. CEQA

The District Board of Directors has considered the Amendment and Restatement of the District's Fire Code. The Board of Directors has, as a result of its consideration, the evidence presented at the hearings on said matter, and all comments that were received during the public hearing process, finds that the amendment and restatement of the District's Fire Code does not constitute a "project" under the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et. seq.*) or its implementing Guidelines (14 California Code of Regulations Section 15000 *et seq.*) ("CEQA Guidelines"). The Board of Directors finds that the adoption of this amendment and restatement of the District Fire Code, including amendments to the California Fire Code constitutes "general policy and procedure making" described in Section 15378(b)(2) of the CEQA Guidelines which are deemed not to be "projects". Even if the adoption of this amendment and restatement of the District Fire Code, including the amendments to the California Fire Code is a "project" for purposes of CEQA, the District Board finds that it is exempt from review pursuant to Section 15061(b)(3) which provides that an activity is not subject to CEQA review where it can be seen with certainty that there is no possibility that it may have a "significant effect on the environment." The District Board finds that it can be seen with certainty that there is no possibility that the adoption of the amendment and restatement of the District Fire Code, including the amendments to the California Fire Code may have a significant effect on the environment. The District General Manager is authorized to prepare, execute and file a notice of exemption pursuant to the above provisions.

SECTION 7. Inconsistency. To the extent that the terms of provision of this Ordinance or the Code amendments adopted hereby, are inconsistent or conflict with the terms or conditions of any prior District Ordinance(s), Motions, Resolutions, Rules, or Regulations, governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior Ordinances, Motions, Resolutions, Rules, and Regulations are hereby repealed.

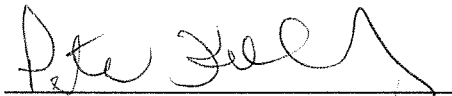
SECTION 8. Nothing within this Ordinance or the amendment and restatement of the District Fire Code shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 7 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 9. Publication. The summary publication procedures authorized by Section 25124(b)(1) of the Government Code are hereby approved. The summary shall be prepared by the District Fire Chief or his/her designee.

SECTION 10. Effective Date. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of the fifteenth (15th) day after passage it shall be published once with the names of the members of the Board of Directors voting for or against the Ordinance in a newspaper of general circulation within the District.

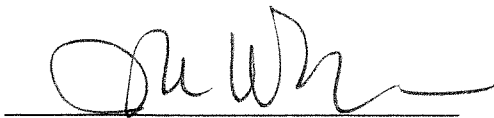
Introduced at a regular meeting of the Board of Directors held on November 9, 2010, and passed and adopted by the District Board of Directors on the 14th day of December, 2010, by the following roll call vote to wit:

AYES:	Kelley, Yoder, Brown
NOES:	None
ABSENT:	Janowicz, Rowe
ABSTAIN:	None



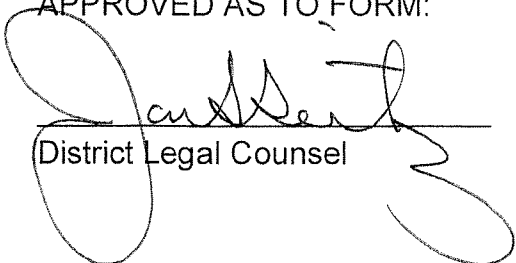
Pete Kelley, President of the Board of Directors
Avila Beach Community Services District

ATTEST:



District General Manager and Secretary

APPROVED AS TO FORM:



District Legal Counsel

AVILA BEACH COMMUNITY SERVICES DISTRICT

RESOLUTION NO. 2010-06

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT
REQUESTING THE SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS TO RATIFY
THE DISTRICT'S ADOPTION OF AN AMENDED 2010 EDITION OF THE CALIFORNIA FIRE
CODE**

WHEREAS, on Tuesday, December 14, 2010, the Avila Beach Community Services District ("District") Board of Directors adopted Ordinance No. 2010-01 that adopted the 2010 Edition of the California Fire Code including Annual Supplements, State and Local Amendments, as part of the District's Fire Code.

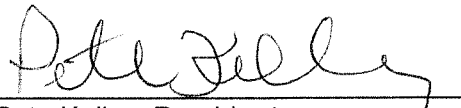
NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT DOES HEREBY REQUEST THE SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS TO:

1. To ratify the District's adoption of the 2010 Edition of the California Fire Code including Annual Supplements, State and Local Amendments, as part of the District's Fire Code; and
2. File the District's Fire Code with the California Department of Housing and Community Development.

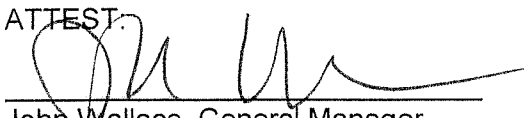
On the motion of Director Kelley, seconded by Director Brown, and on the following roll call vote, to wit:

AYES:	Kelley, Brown, Yoder
NOES:	None
ABSENT:	Janowicz, Rowe
CONFLICTS:	None

the foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Avila Beach Community Services District this 14th day of December, 2010.


Pete Kelley, President
Board of Directors, Avila Beach
Community Services District

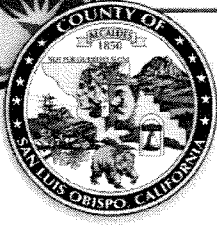
ATTEST:


John Wallace, General Manager
Manager and Secretary to the Board



CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805-543-4244 • Fax: 805-543-4248
www.calfireslo.org



Robert Lewin, Acting Fire Chief

December 28, 2010

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Mr. Dave Walls

California Health and Safety Code Section 17958.7 requires that express findings and amendments to the California Fire Code be filed with the California Building Standards Commission (CBSC). Enclosed is a copy of the Los Osos Community Service District ordinance and resolution adopting and amending the 2010 California Fire Code.

Sincerely,

Paul Lee, Fire Marshal
Battalion Chief

RECEIVED
JAN 2 2011
11:19 AM
CALIFORNIA BUILDING
STANDARDS COMMISSION

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday February 1, 2011

PRESENT: Supervisors Frank Mecham, Bruce S. Gibson, Paul A. Teixeira, James R. Patterson
and Chairperson Adam Hill

ABSENT: None

RESOLUTION NO. 2011-34

RESOLUTION RATIFYING THE LOS OSOS COMMUNITY SERVICES DISTRICT APPROVAL OF AN ORDINANCE ADOPTING AND AMENDING THE 2010 CALIFORNIA FIRE CODE, INCLUDING ANNUAL SUPPLEMENTS, STATE AMENDMENTS, AND ERRATA.

The following resolution is hereby offered and read:

WHEREAS, on December 2, 2010 the Board of Directors of the Los Osos Community Services District approved Ordinance 2010-01 adopting and amending the 2010 edition of the California Fire Code; and

WHEREAS, the Ordinance will apply to the area within the boundaries of the Los Osos Community Services District which lies entirely within the County of San Luis Obispo; and

WHEREAS, the Board of Directors of the Los Osos Community Services District has transmitted its adopted Ordinance and findings to the County of San Luis Obispo in accordance with California Health and Safety Code sections 13869.7, 17958.7, and 18941.5; and

WHEREAS, the Ordinance adopted by the Los Osos Community Services District cannot take effect until the County of San Luis Obispo ratifies, modifies or denies the Ordinance and files a copy of the findings of the district together with the adopted Ordinance with the California Building Standards Commission; and

WHEREAS, the Ordinance has been reviewed by the Chief Building Official and the County Fire Chief and letters of comment have been submitted to the Board of Supervisors; and

WHEREAS, the Board of Supervisors finds that ratification of the Ordinance is necessary to protect lives, health and property, and the community and environment generally;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Board of Supervisors of the County of San Luis Obispo, State of California, ratifies the Los Osos Community Services District Ordinance 2010-01 adopting and amending the 2010 California Fire Code, including annual supplements, State amendments, and errata, and directs staff to transmit the necessary information, including the letters of comment from the County Fire Department and the Chief Building Official, to the California Building Standards Commission.

Upon motion of Supervisor Mecham, seconded by Supervisor Gibson, and on the following roll call vote, to-witt:

AYES: None

NOES: None

ABSENT: None

ABSTAINING: None

The foregoing resolution is hereby adopted:

ATTEST:

Adam Hill
Chairperson of the Board of Supervisors

Julie L. Rodewald
Clerk of the Board of Supervisors

BY: Sandy Currens
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT

Warren Jensen
County Counsel

By: /s/ Nina Negranti
Deputy County Counsel

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, JULIE L. RODEWALD, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors this 4th day of February, 2011.

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: Sandy Currens
Deputy Clerk

ORDINANCE NO. 2010- 01

**AN ORDINANCE OF THE LOS OSOS COMMUNITY SERVICE DISTRICT
AMENDING AND RESTATING THE DISTRICT'S FIRE PREVENTION CODE
FOUND IN TITLE 4 OF THE LOS OSOS COMMUNITY SERVICE DISTRICT
CODES INCLUDING THE ADOPTION OF THE 2010 EDITION OF THE
CALIFORNIA FIRE CODE INCLUDING ANNUAL SUPPLEMENTS AND STATE
AMENDMENTS AND ERRATA.**

WHEREAS, it is the desire and intent of the Los Osos Community Services District ("District") to provide citizens with the greatest degree of protection from fire; and

WHEREAS, Chapter 4.02 of Title 4 of the District Code incorporates the California Fire Code (previously Uniform Fire Code) into the District's Fire Code Prevention Code; and

WHEREAS, The District contracts with the California Department of Forestry and Fire Protection for fire protection and enforcement of the District's Fire Prevention Code; and

WHEREAS, The District proposes to make certain changes in the requirements of the 2010 California Fire Code which are more restrictive and will affect all occupancies and be more restrictive than State Law; and,

WHEREAS, California Health and Safety Code Section 17958.5 requires the District to make express findings that due to local climatic, geological, or topographical conditions that modifications and changes to the current California Building Code are reasonably necessary to provide sufficient and effective protection of life, health, and property before adopting such changes, and Section 17958.7 requires that such findings be filed with the California Building Standards Commission; and

WHEREAS, pursuant to Health and Safety Code Section 17958.5 and based on the staff report, staff presentation and public comment the District Board of Directors (or "District Board") makes the following findings:

- A. **General.** After due consideration the Board of Directors of the Los Osos Community Services District hereby finds that due to local climatic, geologic and topographic conditions as stated in this section, that modifications and changes to the current 2010 California Fire Code are reasonably necessary to provide sufficient and effective protection of life, health and property.

- B. **Climatic.** Los Osos Community Services District experiences periods of high temperatures, accompanied by low humidity and high winds each year. These conditions create an environment in which the Fire Department commits large numbers of fire fighting resources to the control and extinguishment of wildland fires. During such periods, the limited available firefighting resources may have great difficulty in controlling fires in structures not having built-in fire protection. Other weather conditions also create an environment in which the Fire Department has a reduction in visibility. During such periods this reduction in visibility is caused by Coastal Fog or dust which can cause a delay in locating an incident.
- C. **Geological.** Los Osos Community Services District is in a potentially high activity seismic zone. After a large seismic event, the potential for multiple fires occurring simultaneously will tax available firefighting resources. Near shore and long distance Tsunami's can flood and damage sections of the coast. During flooding events it is well documented that building and other fires can occur. Built-in fire protection will assist in extinguishing or controlling fires in larger structures which will increase the availability of firefighting resources after seismic activity.
- D. **Topographical.** Los Osos Community Services District has rural areas that are in very high fire hazard areas. Due to topography, access to structures in rural areas increases response time and delays fire suppression efforts. An extended response time will allow fires to grow beyond the control of initial attack fire suppression resources. Large structure fires in the hillside areas will have a greater likelihood of starting a wildland fire which may expose additional structures to fire. Therefore, built-in fire protection is required in all structures.

WHEREAS, the latest edition of the California Building Standards Code was published and adopted this year and has the force of law beginning January 1, 2011, and any local additions, amendments and deletions must then be incorporated; and

WHEREAS, this ordinance amends and restates Title 4 of the District Code including the adoption and amendments to the 2010 California Fire Code including annual supplements and State amendments and errata.

NOW THEREFORE, the Board of Directors of the Los Osos Community Services District ordains as follows:

SECTION 1 Chapter 4.01 of the District Fire Prevention Code is Amended and Restated as follows:

Chapter 4.01.100 GENERAL

4.01.10 Title and Manner of Citation

Title 4 of the Los Osos Community Services District ("District") Code may be cited as the Los Osos Community Services District Fire Prevention Code, The LOCSD Fire Prevention Code, and/or the District Fire Prevention Code.

4.01.20 Enforcement

- A. The California Department of Forestry and Fire Protection/San Luis Obispo County Fire Chief is:
 - 1 The Chief Fire Official and is charged with the enforcement and administration of the District Fire Prevention Code.
 - 2 The Board of Directors' authorized representative to appoint the District's Code Enforcement Officer(s), Fire Code Official(s) and Hearing Officer(s).
- B. The Fire Chief is authorized to make necessary and reasonable policies and procedures that are consistent with the provisions of this Fire Prevention Code to aid in its implementation.

4.01.30 Definitions

- A. District Fire Chief, Fire Chief or Chief Fire Official means the California Department of Forestry and Fire Protection/San Luis Obispo County Fire Chief.
- B. The District Fire Department means the California Department of Forestry and Fire Protection and employees, apparatus, materials and equipment assigned to it by the District and the California Department of Forestry and Fire Protection pursuant to contract.
- C. Employees of the District Fire Department or Fire Department employees means the employees assigned to it by the District and employees assigned by the California Department of Forestry and Fire Protection pursuant to contract.
- D. Code Enforcement Officer or Fire Code Official means the District Fire Chief and/or his/her designee. Code Enforcement Officer has the same meaning as Fire Code Official.

E. Property Owner means the owner of property whose name and address appears on the latest equalized County assessment roll.

F. Governing Body means the District Board of Directors.

4.01.40 Peace Officer Powers

Employees of the District Fire Department shall have the powers of peace officers while engaged in the prevention and suppression of fires and the protection and preservation of life and property, including, but not limited to, actions associated with rescue services, emergency medical services and hazardous material emergency response services.

4.01.50 Citations

The Fire Chief or his or her duly authorized representative is authorized to issue citations for misdemeanors specified in Health and Safety Code Section 13871. The provisions of Chapter 5(c) of the Penal Code, as amended from time to time, shall apply.

4.01.60 Authority to Inspect

Employees of the District Fire Department are authorized to enter upon any property or premises to ascertain whether the provisions of the Fire Prevention Code are being obeyed, and to make any examinations and surveys as may be necessary in the performance of their enforcement duties. These may include the taking of photographs, samples or other physical evidence. All inspections, entries, examinations and surveys shall be done in a reasonable manner. If an owner, occupant or agent refuses permission to enter or inspect, the Code Enforcement Officer may seek an administrative inspection warrant pursuant to the procedures provided for in California Code of Civil Procedure Section 1822.50 through 1822.59.

4.01.70 Applicability of General Provisions of the District Code

Unless specifically referred to in the various Sections of this Fire Prevention Code, Section 1.02.03 (Board of Director Review) and Section 1.02.04 (Appeals of the District Code) are not applicable to the Fire Prevention Code.

4.01.80 Violations

- A. Unlawful acts. It shall be unlawful for a person, firm or corporation to
1. Erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this Fire Prevention Code, or cause same to be done, in conflict with or in violation of any of the provisions of this Fire Prevention Code.
 2. To violate any provision or to fail to comply with any of the requirements of this Fire Prevention Code.
 3. To cause, aid, abet, or conceal the fact of a violation of this Fire Prevention Code.
- B. Notice of violation. When the Fire Code Official finds a violation referenced in Paragraphs A (1), (2), or (3), above, the Fire Code Official is authorized to prepare a written notice of violation describing the violation and, when compliance is not immediate, specifying a time for reinspection.
1. Service. A notice of violation issued pursuant to this Fire Prevention Code shall be served upon the Property Owner, operator, occupant or the person responsible for the condition or violation, either by personal service, mail or delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy the such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the Property Owner, occupant or both.
 2. Compliance with orders and notices. A notice of violation issued or served as provided by this Fire Prevention Code shall be complied with by the Property Owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.
 3. Prosecution of violation. If the notice of violation is not complied with promptly, the Fire Code Official is authorized to request District Legal Counsel to institute the appropriate legal proceedings at law or in equity to restrain, correct, or abate such violation or to require removal or termination of

the unlawful occupancy of the structure in violation of the provisions of this Fire Prevention Code or of the order or direction made pursuant hereto.

4. Unauthorized tampering. Signs, tags or seals posted or affixed by the Fire Code Official shall not be mutilated, destroyed or tampered with or removed without authorization from the Fire Code Official.

C. Violation penalties. Persons (including firms or corporations) who shall violate a provision of this Fire Prevention Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this Fire Prevention Code, shall be guilty of a misdemeanor except for those specifically declared by the Fire Prevention Code to be an infraction. Notwithstanding any other provision of the Fire Prevention Code, any misdemeanor violation or failure to comply may, in the discretion of the District Legal Counsel or the Fire Code Official, be initially charged or subsequently prosecuted as an infraction. Each and every infraction violation is punishable by a fine not exceeding one hundred (\$100) dollars for a first violation; a fine not exceeding two hundred (\$200) dollars for a second violation of the Fire Prevention Code within one (1) year; and a fine not exceeding five hundred (\$500) dollars for a third violation of the Fire Prevention Code within one (1) year. Each and every misdemeanor violation is punishable by a fine not exceeding one thousand (\$1,000) dollars, or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

1. Abatement of violation. In addition to the imposition of the penalties herein described, the Fire Code Official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.
2. Continuing violations. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue.

D. Separate offense. For each and every day, unless stated elsewhere, during any portion of which any violation of any provisions of this Fire Prevention Code is committed, continued, or

permitted by such person (including firms or corporations) shall be a separate offense and punishable accordingly.

- E. Public Nuisance. Enforcement by Civil Action. In addition to the penalties provided in the Fire Prevention Code, any condition caused or permitted to exist in violation of any of the provisions of the Fire Prevention Code shall be deemed a public nuisance and may be abated as such, and every day such condition continues shall be regarded as a new and separate offense.
- F. Injunctive Relief. The Fire Prevention Code may also be enforced by injunction issued by the Superior Court upon the suit of the District. This method of enforcement shall be cumulative and in no way affect the penal provisions hereof.
- G. Fees, Charges, Fines and Penalties. The amount of any fee, service charge, fine or penalty of any nature whatsoever imposed by any provision of this Fire Prevention Code shall be deemed a civil debt owing to the District, County or Court. An action may be commenced in the name of the District in any court of competent jurisdiction for the collection of the amount of any such delinquent or unpaid fee, service charge, fine or penalty together with any penalties applicable thereto as prescribed by this Fire Prevention Code.
- H. Collection of Fees, Charges, Fines and Penalties with Taxes. The Board of Directors hereby adopts the procedures for the collection of delinquent rates, charges, fines, penalties and fees established in Government Code Sections 61115(c) and (d) or any successor statutes. The General Manager or his/her designee is authorized to record a certificate specifying the amount of any such charges, fines, and fees and the name and address of the persons liable therefore, sixty (60) days after the payment becomes delinquent, pursuant to Government Code Section 61115(c).
- I. Remedies Cumulative. Enforcement of the provisions of this Fire Prevention Code and remedies for collection of various fees, charges, fines and penalties are cumulative and may be pursued alternatively or consecutively by the District. The District's use of any one of the remedies, legal actions or enforcement actions prescribed herein shall not bar the use of any other remedy, legal action or enforcement procedures provided by the Fire Prevention Code or by law for the purpose of enforcing the provisions hereof.

- J. Attorney Fees. In any legal action or administrative action commenced by the District to abate a public nuisance, to enjoin a violation of any provision of the Fire Prevention Code, or to enforce the provisions of the Fire Prevention Code, or the collection of a civil debt owing to the District, the prevailing party shall be entitled to recover, in any such action, its reasonable attorneys' fees and costs to suit, provided that the District elects at the initiation of individual actions or proceedings, to seek recovery of its own attorney fees.

SECTION 2 Chapter 4.02.100 of the District Fire Prevention Code is Amended and Restated as follows:

Chapter 4.02.100 CALIFORNIA FIRE CODE

- 4.02.110 Adoption by Reference of "California Fire Code" in its entirety as Charter 4.02

The Los Osos Community Services District adopts by reference the 2010 California Fire Code, with the exception of Appendix A, D, E, G and J in its entirety to Title 4 of the Los Osos Community Services District Fire Prevention Code. This will include all annual supplements and State Amendments and Errata, for the protection of public health and safety.

- 4.02.120 Establishment of Board of Appeals

In order to hear and decide appeals of orders, decisions or determination made by the Fire Code Official relative to the application and interpretation of this Chapter, there shall be and is hereby created a Board of Appeals. Until such time as the District Board of Directors appoints members to the Board of Appeals, the Board of Appeals shall be the Board of Appeals appointed by the County of San Luis Obispo. The rules of procedure for conducting the business of the Board of Appeals shall be those procedures established by the County of San Luis Obispo.

- 4.02.130 Definitions

Whenever the word "jurisdiction" is used in the California Fire Code, it shall mean the Los Osos Community Services District boundary.

- 4.02.140

The California Fire Code adopted by this Chapter and the following amendments only modify and change the identified sections. All other provisions are adopted without change.

A. Fire Apparatus Access Roads

Section 503 is added to read as follows:

503.1.2.1 Maximum Dead-end Road Lengths. The maximum length of dead-end roads, including all dead-end roads accessed from a dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

Parcel size	Length
less than one (1) acre	800 feet
1 acre to 4.99 acres	1320 feet
5 acres to 19.99 acres	2640 feet
20 acres or larger	5280 feet

All lengths shall be measured from the edge of the roadway surface at the intersection that begins from the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1320 feet or 1/4 mile intervals.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of at least 40,000 lb. fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. An all-weather surface road shall maintain ninety-five percent (95%) compaction as described in the County Engineering standard for an A-1j rural roadway.

503.2.5.1 Cul-de-Sac. (temporary or permanent). The minimum outside turning radius shall be forty (40) feet unobstructed. The inside radius shall be twenty (20) feet. When parking is permitted within the cul-de-sac, the minimum outside radius from center to curb shall be forty-eight (48) feet.

503.2.6 Bridges and elevated surfaces. When a bridge or elevated surface is required to be used as access under this section, it shall be constructed and maintained in accordance with AASHTO HB-17, and shall use designed live loading sufficient to carry the imposed loads of a 40,000 lb. fire apparatus. Vehicle load

limits shall be posted at both entrances to bridges when required by the Fire Chief. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, signs or both shall be installed and maintained when required by the fire code official.

503.2.7 Grade. The gradient for a fire apparatus access road shall not exceed the following:

Surface	Maximum Grade
All-weather ¹	Less than 12%
Nonskid ²	12% to 16%
Nonskid ³	Over 16%

Notes:

- 1 An all-weather surface road shall maintain ninety-five percent (95%) compaction as described in the County Engineering standard for an A-1j rural roadway.
- 2 Surface shall be asphalt or concrete as specified in San Luis Obispo County Standard Specifications and Improvement Drawings including a nonskid finish.
- 3 A road with a grade greater than sixteen percent (16%) and less than twenty percent (20%) may be authorized through an adjustment as set forth in Sections 22.54.020 F (Adjustments) of the County Code.

503.2.9 Driveway. A driveway is permitted when it serves no more than two (2) structures, with no more than three (3) dwelling units per lot of record and any number of accessory structures. [Amended 1991, Ord. 2523].

503.2.9.1 Driveway. Width for high and very high fire severity zones:

Driveway Length	Required width
0-49 feet	10 feet is required
50-199 feet	12 feet is required
Greater than 200 feet	16 feet is required

503.2.9.2 Turnarounds. Turnarounds must be provided if driveway exceeds three hundred (300) feet, and shall be within fifty (50) feet of the building.

503.2.9.3 Driveway grade. The minimum level of improvement shall be determined by the grade of driveway providing access from the road to the building site or parking area as follows:

Surface	Maximum Grade
All-weather ¹	Less than 12%
Nonskid ²	12% to 16%
Nonskid ²	Over 16%

Notes:

- (1) An all-weather surface road shall be maintained as specified in San Luis Obispo County Standard Specifications A-1j.
 - (2) Surface shall be asphalt or concrete as specified in San Luis Obispo County Standard Specifications and Improvement Drawings, including a nonskid finish.
1. Fuel Breaks - The Chief or his/her designee is authorized to cause an area within 10 feet on each side of the driveway to be cleared of flammable vegetation and other combustible growth. The Chief or his/her designee is authorized to enter upon private property to do so.

Exception:

Single specimens of trees, ornamental shrubbery, or cumulative groundcover such as green grass, ivy, succulents or similar plants used as groundcover provided they do not form a means of readily transmitting fire.

2. A turnout shall be provided near the midpoint.
3. For driveways exceeding three hundred (300) feet, a turn-around shall be at the building site and must be within fifty (50) feet of the dwelling. For driveways exceeding eight hundred (800) feet, turnouts shall be provided no more than four hundred (400) feet apart.

Adjustments

- a. An adjustment to the standards of subsection three (3) of this Section may be granted where proposed by the

Applicant and mitigated practices are approved by the Fire Chief or his/her designee, where the mitigation provides for the ability to apply the same degree of accepted fire suppression strategies and tactics and fire fighter safety as these regulations overall, towards providing a key point of defense from an approaching fire or defense against encroaching fire or escaping structure fires.

- b. Requests for adjustment shall be filed with the Fire Chief by the Applicant or the Applicant's representative in the form of an attachment to the project application. The request shall state the specific requirement for which an adjustment is being requested, material facts supporting the contention of the applicant, the details of the adjustment or mitigation proposed and a site plan showing the proposed location and setting of the adjustment or mitigation measure, where applicable. A request for adjustment shall be approved by the Fire Chief or his/her designee when it has been determined that the criteria for adjustment are satisfied as described in this subsection (a).

A. Section 505 - Premises Identification

Section 505.1 is amended to read as follows:

505.1 Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of: Residential six (6) inches, Commercial eight (8) inches, and Industrial ten (10) inches high with a minimum stroke width of 0.5 inch (12.7mm).

505.1.1 Directories. When required by the fire code official, complexes with multiple buildings may be required to provide directories, premises maps and directional signs. The scale, design and location of directory signs shall be approved by the fire code official and may be required to be illuminated.

C. SECTION 903 – Automatic Sprinkler Systems

Section 903 Automatic Sprinkler Systems is amended and reads as follows:

903.2 Where required. An automatic extinguishing system in compliance with this code, appropriate California Building Code, National

Fire Protection Association (NFPA) Standards and other standards adopted as required by the jurisdiction shall be installed:

- I. In new buildings or structures where any of the following occur:
 - a. A single-story building that contains any occupancy other than Group R, H and I where the total floor area exceeds one thousand (1,000) square feet irrespective of area separation wall, or
 - b. where the building has more than one story, the floor area for these buildings shall not be considered.
 - c. any building with a fire flow of less than 750gpm at 20psi.
 - d. all Group R, H and I occupancies irrespective of square footage.

Exception:

1. Group A Division 5 occupancy.

II. Throughout existing buildings or structures where :

- a. the floor area is increased by one thousand (1,000) square feet. Floor area shall be cumulative with each issuance of a building permit regardless of any change in ownership.
- b. when alteration to the building exceeds fifty percent (50%) of the floor area.
- c. the building, other than an R-3, with the addition, has more than one story.
- d. an R-3 occupancy has more than two stories.
- e. a change of use or occupancy of a structure that will allow either commercial or public use.

Exception:

1. Occupancy classification changes to F, M, S and U from an equivalent category as defined.

III. Automatic fire sprinklers installed at exterior locations shall be approved corrosion-resistant devices when environmental conditions warrant.

IV. Fire hose threads used in connection with fire-extinguishing systems shall be national standard hose thread or as approved by the fire department.

- V. Any addition to existing buildings equipped with an automatic fire sprinkler system.
- VI At the top of rubbish and linen chutes and their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Sprinkler heads shall be accessible for servicing.
- VII. In rooms where nitrate film is stored or handled. See 4204.2.
- VII Valves on connections to water supplies, sectional control valves, and other valves in supply pipes shall be supervised open by one of the following methods:
 - (a) Central station, proprietary, or remote station signaling service.
 - (b) Local signaling service that will cause the sounding of an audible signal at a constantly attended point.
 - (c) Valves locked in the open position.

Exception: Underground key or hub valves in roadway boxes provided by the municipality or public utility need not be supervised.

- IX. Subsections 903.2.2, 903.2.3.1, 903.2.5, 903.2.6, 903.2.7.1, 903.2.8 and 903.2.11.2 through 903.2.18 are adopted without amendment.

D. Section 3309-Reserved:

3309.1 Fireworks Prohibited. The manufacturing, possession, storage, sale, use and handling of fireworks, including without limitation, "Safe and Sane" fireworks, is prohibited.

Exceptions:

1. Storage of fireworks in accordance with the requirements for low order explosives in Title 19, California Code of Regulations, Chapter 10.
2. Storage of fireworks, 1.4G in accordance with the Building Code.
3. Use and handling of fireworks for professional display in accordance with Title 19, California Code of Regulations, Chapter 6.

3309.2 Seizure of Fireworks. The Fire Code Official shall have the authority to seize, take and remove fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Title 19, California Code of Regulations, Chapter 6 and California Health and Safety Code, Chapter 9.

E. Appendix B 105 – Automatic Sprinkler Systems

B105.2 Exception # 3 is added to read as follows:

Exception:

1. Buildings on parcels where there is no water purveyor, or the water purveyor's current system cannot meet fire flow duration requirements without excessive system modifications, or when the property is greater than three hundred (300) feet from an approved hydrant, an on-site storage tank may provide the fire protection water supply when the building has an approved automatic sprinkler system. The chief shall approve the location, capacity, connections and other appurtenances.

SECTION 3 Chapter 4.04.00 of the District's Fire Prevention Code is Amended and Restated as follows:

Chapter 4.04.00 FIRE HAZARDS/WEED AND WASTE MATTER ABATEMENT

4.04.01 Introduction

- A. The following enforcement provisions are in addition to other enforcement provisions referenced in the various Sections of this Fire Prevention Code.
- B. Property Owners and affected properties are exempt where enforcement of this Chapter would result in the taking of endangered, rare, or threatened plant or animal species or will result in significant erosion and sedimentation of surface waters.

4.04.10 Weeds Constituting Fire Hazards

- A. The District Board of Directors declares that all weeds which are described in this section growing upon any property or in any public street, sidewalk, or alley which when exposed to the elements, endanger the public safety by creating a fire hazard, impedes access to fire protection systems or facilities and are further declared to be a public nuisance such as those that block the vision of drivers or pedestrians.

B. The term "weeds" includes

1. Weeds which bear seeds of a downy or wingy nature; Sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property;
2. Weeds which are otherwise noxious or dangerous;
3. Poison oak and poison ivy, when the conditions or growth are such as to constitute a menace to the public health;
4. Dry grasses, stubble, brush, dead shrubs, dead trees, litter or other flammable material which endanger the public safety by creating a fire hazard.

4.04.20 Waste Matter Constituting a Fire Hazard

The District Board of Directors declares that rubbish, litter and other flammable materials (collectively waste matter) which when exposed to the elements, or which by reason of its location would hamper or interfere with the suppression or prevention of fire upon the premises, endangers the public safety by creating a fire hazard, and are further declared to be a public nuisance.

4.04.30 Maintenance Unlawful

- A.. Except as provided in sub-section C below, it is unlawful for any person to maintain weeds and waste matter on public or private property in such a manner as constitutes a public nuisance as defined in Sections 4.04.010 and 4.04.020 of this Chapter.
- B. Each day during which any violation continues shall constitute a separate offense.
- C. The District and/or the District's Fire Department shall not enforce the Weed Abatement provisions of this Chapter where enforcement would result in the taking of endangered, rare, or threatened plant or animal species or would result in significant erosion and sedimentation of surface waters. Written documentation from the United States Fish and Wildlife Service or other agency with jurisdiction, stating that enforcement will result in the taking of endangered, rare, or threatened plant or animal species, is required to qualify the property for this exemption. The Code Enforcement Officer shall determine whether or not

enforcement would cause significant erosion and sedimentation of surface waters.

4.04.40 Duty of Property Owner to Abate

- A. It shall be the duty of every Property Owner to abate all public nuisances defined in 4.04.10 and 4.04.20 (above) existing upon that property, which shall be deemed to include for purposes of this chapter the abutting half of the street and/or alley, and between the property lines thereof as extended.
- B. The word "street" as used in this section shall be deemed to include the sidewalk space thereof.
- C. Any Property Owner who fails to abate a public nuisance within the time prescribed in any notice or order provided for herein, shall be assessed the cost of inspection and/or issued a citation.
- D. A violation of any notice or order to abate a public nuisance shall constitute a misdemeanor.
- E. In any action to abate a nuisance, whether by administrative proceedings, judicial proceedings, citation or summary abatement, the owner of the parcel upon which the nuisance is found to exist shall, in addition to any other fine or penalty, be liable for all costs of abatement incurred by the District, including, but not limited to, administrative costs, and any and all costs incurred in the physical abatement of the nuisance. Recovery of costs pursuant to this section shall be in addition to and shall not limit any prevailing party's right to recover costs pursuant to Sections 1032 and 1033.5 of the code of Civil Procedure or any other provision of law.
- F. The costs identified in subsection C and E above constitute a lien on the parcel of real property that is the subject of the abatement proceedings and said costs shall run with the land. If a citation is issued the fine shall be paid to the court by the Property Owner.

4.04.50 Means of Enforcement - Discretion of Code Enforcement Officer

In addition to the provisions of this Chapter, the Code Enforcement Officer has the discretion to enforce the provisions of this Chapter as follows:

- A. The use of the enforcement provisions found in Chapters 1 & 2 of the District Fire Prevention Code and/or:

- B. The enforcement provisions identified in the Chapter 1.03 of Title 1 of the District Code or any of the provisions found in the Fire Protection District Law.

4.04.60 Notice(s) of Violation and Correction Orders.
Informal Administrative Remedy

- A. Where a Code Enforcement Officer determines that informal resolution of a violation or purported violation of this Chapter is appropriate, the Code Enforcement Officer shall notify the Property Owner, in writing, that a public nuisance is alleged to exist upon the owner's property.
- B. Such notices shall be served pursuant to Section 4.04.70B and shall:
 - 1. Require the Property Owner to respond to the allegation within fourteen (14) days of the date of this notice.
 - 2. Provide notice of the exemption provision of Section 4.04.30C.
 - 3. Provide notice that should the Property Owner fail to timely respond to such notice, the cost of future inspections verifying the alleged code violation shall be charged to the Property Owner and made a lien on the property in addition to any other costs identified in Section 4.04.040E.
 - 4. Provide the name and contact of the Code Enforcement Official.

4.04.70 Service of Notice of Violations

The Code Enforcement Officer shall provide notice of violations of this Chapter as follows:

- A. A notice of violation issued by a Code Enforcement Officer pursuant to this Chapter shall be served upon the Property Owner, operator, occupant or the person responsible for the condition or violation, either by personal service, mail or delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy the such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice shall be mailed by certified mail with return receipt

requested or a certificate of mailing, to the last known address of the Property Owner, occupant or both

- B. The failure of any Property Owner or other party entitled to notice under this Chapter to receive such notice shall not deprive the District of jurisdiction to proceed or affect in any manner the validity of the proceedings taken or to be taken or any assessment.

4.04.80 Order to Correct, Eliminate Fire Hazard or Citation

- A. Notwithstanding any other provision of law, or enforcement procedures enumerated in this Chapter, the Code Enforcement Officer may issue a written order or citation to correct or eliminate a fire hazard or life hazard. The form of the written order to correct shall contain the following information.
 - 1. The Section of this Fire Prevention Code violated and a description of the violation;
 - 2. The address or a definite description of the location of the violation;
 - 3. The date that the fire hazard or life hazard must be abated;
 - 4. That every person who fails or refuses to correct or eliminate a fire hazard or life hazard after a written order is guilty of a misdemeanor;
 - 5. A description of the administrative review process, including the time in which the administrative order may be contested and a copy of the form to request a hearing;
 - 6. The name and signature of the citing Enforcement Officer.
- B. Any person who has been ordered to immediately correct or eliminate a fire hazard or life hazard pursuant to subdivision A and who believes that strict compliance with the order would cause undue hardship may, within ten (10) days of service of the written Order, present a written request to the District, in care of the District General Manager, requesting a hearing on and a review of the order. The request shall state the reasons for making the request. If a citation is issued the hearing will take place in court.

C. Form: Request for Hearing on and Review of Order Correcting or Eliminating Fire or Life Hazard to the Los Osos Community Services District of State of California.

1. On _____ [date], petitioner was ordered to _____ [correct or eliminate][specify fire or life hazard] by written notice signed by _____, of the District Fire Department. A copy of the order is attached, marked Exhibit _____ and by reference made part hereof.
2. Strict compliance with such order would cause petitioner undue hardship for the following reasons:
3. Petitioner therefore requests that the order be modified in the following respects: _____ [specify] and that the District set a time and place for a hearing as prescribed by law to determine whether the aforementioned circumstances justify the proposed modification of the order.

Dated _____

Signature: _____
Agent/Owner/Lessee

- D. Within thirty (30) days of the receipt of a written request pursuant to subdivision B, the District shall hold a hearing. The District Hearing Officer may modify, vacate, or affirm the order.
- E. The Fire Chief or his/her designee is the Hearing Officer. In no event shall the Hearing Officer be the citing Code Enforcement Officer or a subordinate of the Code Enforcement Officer. In the absence of an appointed Hearing Officer the District General Manager or his/her designee shall be the Hearing Officer.
- F. Hearing Procedures:
1. The failure of the petitioner to appear at the administrative citation hearing shall constitute a forfeiture of the request for modification and a failure to exhaust their administrative remedies.
 2. The order to correct and any additional report submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents.

3. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision to affirm, modify or vacate the written order to correct or eliminate a fire hazard or life hazard and shall list in the decision the reasons for that decision. The decision of the Hearing Officer shall be final.
4. Within fifteen (15) days following conclusion of the hearing the Hearing Officer shall serve his/her order as provided in Section 4.04.070 or as otherwise requested at hearing.

G. Issuance of Citation; Noncompliance as Misdemeanor

1. Any citation issued by the District for violation of a Fire Prevention Code or a District Ordinance may be processed pursuant to Subdivision (d) of Section 17 of the Penal Code.
2. Every person who fails to correct or eliminate a fire, life or safety hazard after written order of the Hearing Officer or Code Enforcement Officer is guilty of a misdemeanor.
3. Every person who falsely impersonates a member of the District Fire Department or an officer or employee of the District is guilty of a misdemeanor.
4. Every misdemeanor is punishable pursuant to Section 19 of the Penal Code.

4.04.100 Summary Abatement of Fire Hazards

- A. Pursuant to Government Code Section 61623.5 the provisions of Part 5 (commencing with Section 14875) Division 12 of the Health and Safety Code are incorporated herein by reference.
- B. In the application of the provisions of Part 5 (commencing with Section 14875) Division 12 of the Health and Safety Code, to proceedings under this Section, the terms "Board of Directors" shall be deemed to be a "Board of Supervisors" and the District Fire Code Official or his/her designees shall be deemed to the "persons" designated in Section 14890 of the Health and Safety Code.

SECTION 4. Incorporation of Recitals

The Recitals to this Ordinance are true and correct and are incorporated herein by this reference.

SECTION 5. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance and/or the Code Sections adopted by this Ordinance are for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and the Code Sections adopted by this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

SECTION 6. Effects of Headings in Ordinance

Title, division, part, chapter, article and section headings contained herein or in the various Codes adopted hereby do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance or the related Code Sections.

SECTION 7. CEQA

The District Board of Directors has considered the Amendment and Restatement of the District's Fire Prevention Code. The Board of Directors has, as a result of its consideration, the evidence presented at the hearings on said matter, and all comments that were received during the public hearing process, finds;

- (1) That the adoption Chapters 4.01 and 4.02 of this Amendment and Restatement of the District Fire Prevention Code, including amendments to the California Fire Code does not constitute a "project" under the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et. seq.) or its implementing Guidelines (14 California Code of Regulations Section 15000 et seq.) ("CEQA Guidelines"). The Board of Directors finds that the adoption of Chapters 4.01 and 4.02 of the District Fire Prevention Code, including amendments to the California Fire Code constitutes "general policy and procedure making" described in Section 15378(b)(2) of the CEQA Guidelines which are deemed not to be "projects". Even if the adoption of Chapters 4.01 and 4.02 of the District Fire Prevention Code, including the amendments to the California Fire Code is a "project" for purposes of CEQA, the District Board finds that it is exempt from review pursuant to Section 15061(b)(3) which provides that an activity is not subject to CEQA review where it can be seen with certainty that there is no possibility that it may have a "significant effect on the environment." The District Board finds that it can be seen with certainty that there is no possibility that the adoption Chapters 4.01 and 4.02 of the District Fire Prevention Code, including the amendments to the California Fire Code may have a significant effect on the environment.

- (2) That the adoption of Chapter 4.04 of this Amendment and Restatement of the District Fire Prevention Code related to weed abatement is exempt from review pursuant to Section 15304 of the CEQA Guidelines which exempts from CEQA review minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. The Board of Directors further finds that Chapter 4.04 of the Districts Fire Prevention Code exempts Property Owners from weed abatement where such activities would result in the taking of endangered, rare, or threatened plant or animal species or would cause significant erosion and sedimentation of surface waters.

The District General Manager is authorized to prepare, execute and file a notice of exemption pursuant to the above provisions.

SECTION 8. Inconsistency

To the extent that the terms of provision of this Ordinance or the Code amendments adopted hereby, are inconsistent or conflict with the terms or conditions of any prior District Ordinance(s), Motions, Resolutions, Rules, or Regulations, governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior Ordinances, Motions, Resolutions, Rules, and Regulations are hereby repealed.

SECTION 9.

Nothing within this Ordinance or the amendment and restatement of the District Fire Prevention Code shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 8 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 10. Publication

The summary publication procedures authorized by Section 25124(b)(1) of the Government Code are hereby approved. The summary shall be prepared by the District Fire Chief or his/her designee.

SECTION 11. Effective Date

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of the fifteenth (15th) day after passage it shall be published as provided in Section 10, above, with the names of the

members of the Board of Directors voting for or against the Ordinance in a newspaper of general circulation within the District.

Introduced at a regular meeting of the Board of Directors held on November 04, 2010, and passed and adopted by the District Board of Directors on the 2nd day of December, 2010, by the following roll call vote to wit:

AYES: Directors Sparks, Seatz, Kelly, Ochylski
NOES: None
ABSENT: Director Cesera
ABSTAIN: None



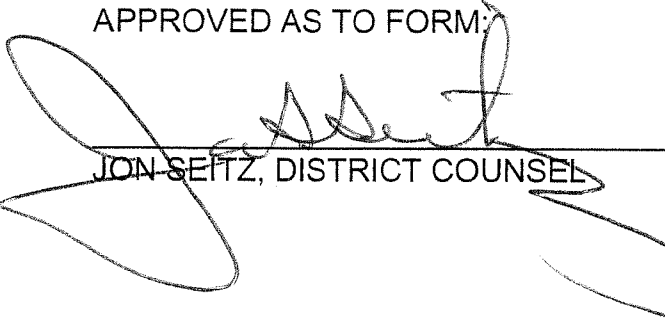
MARSHALL OCHYLSKI, PRESIDENT

ATTEST:



DAN GILMORE, DISTRICT GENERAL MANAGER
AND SECRETARY

APPROVED AS TO FORM:



JON SEITZ, DISTRICT COUNSEL

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



February 15, 2011

Paul Lee, Fire Marshal/Battalion Chief
County Fire Department
County of San Luis Obispo
635 North Santa Rosa
San Luis Obispo, CA 93405

Dear Mr. Lee:


This letter is to acknowledge receipt on December 30, 2010 of the County of San Luis Obispo submittal pertaining to Ordinance No. 3205 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

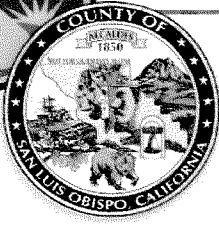

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805-543-4244 • Fax: 805-543-4248
www.calfireslo.org



Robert Lewin, Acting Fire Chief

February 11, 2011

Enrique M. Rodriguez
Associate Construction Analyst
Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Dear Mr. Rodriguez,

Per Chief Lee's request, this letter is asking for two corrections to your attached letter of February 1, 2011 to Paul Lee, Fire Marshal, Battalion Chief, County Fire Department, 635 North Santa Rosa, San Luis Obispo, California 93405.

References to City of San Luis Obispo should be County of San Luis Obispo – the third line of the inside address and first sentence of the first paragraph. Both should be County of San Luis Obispo.

Please mail a revised letter to Chief Lee at the above address. Thanking you in advance.

Sincerely,

Jerilyn W. Moore
Administrative Assistant

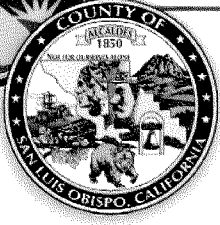
Attachment

2011 FEB 14 P 2:07
SLO BUILDING
STANDARDS COMMISSION



CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805-543-4244 • Fax: 805-543-4248
www.calfireslo.org



Robert Lewin, Acting Fire Chief

December 28, 2010

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Mr. Dave Walls

California Health and Safety Code Section 17958.7 requires that express findings and amendments to the California Fire Code be filed with the California Building Standards Commission (CBSC). Enclosed is a copy of the County of San Luis Obispo ordinance and resolution adopting and amending the 2010 California Fire Code.

Sincerely,

Paul Lee, Fire Marshal
Battalion Chief

2010 DEC 30 P 12:59
CALIFORNIA BUILDING
STANDARDS COMMISSION

BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, December 7, 2010

PRESENT: Supervisors: Bruce S. Gibson, Adam Hill, James R. Patterson, and Chairperson Frank Mecham

ABSENT: Supervisor: K.H. 'Katcho' Achadjian

In the matter of **ORDINANCE NO. 3205:**

This is the time set for a hearing to consider an ordinance (introduced November 9, 2010) amending Chapter 16.10 of the San Luis Obispo Fire Code by adopting and amending the 2010 Edition of the California Fire Code, including annual supplements and state and local amendments and errata.

Chairperson Mecham: opens the floor to public comment without response.

Thereafter, on motion of Supervisor Bruce S. Gibson, seconded by Supervisor Adam Hill, and on the following roll call vote:

AYES: Supervisors: Bruce S. Gibson, Adam Hill, James R. Patterson, Chairperson Frank Mecham

NOES: None

ABSENT: Supervisor: K.H. 'Katcho' Achadjian

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and **ORDINANCE NO. 3205**, an ordinance amending Chapter 16.10 of the San Luis Obispo County Code by adopting and amending the 2010 edition of the California Fire Code, including annual supplements and State amendments and errata, Adopted.

Filed 12/21/10 ar
cc: Fire (1)

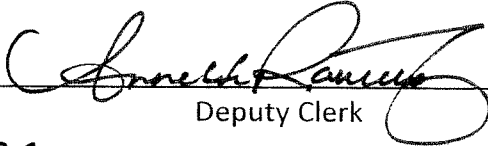
STATE OF CALIFORNIA)
) ss.
County of San Luis Obispo)

I, **JULIE L. RODEWALD**, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of the said Board of Supervisors, affixed this 21st day of December, 2010.

(SEAL)

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By:  Deputy Clerk

ORDINANCE NO. 3205

AN ORDINANCE AMENDING CHAPTER 16.10 OF THE SAN LUIS OBISPO COUNTY CODE BY ADOPTING AND AMENDING THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, INCLUDING ANNUAL SUPPLEMENTS AND STATE AMENDMENTS AND ERRATA

WHEREAS, it is the desire and intent of the Board of Supervisors of San Luis Obispo County to provide citizens with the greatest degree of protection from fire; and

WHEREAS, the California Building Standards Code, Title 24, which incorporates the California Fire Code, is adopted every three years by order of the California Legislature with supplements published in intervening years; and

WHEREAS, the latest edition of the California Building Standards Code was published this year and has the force of law beginning January 1, 2011 and the Board of Supervisors desires to make local additions, amendments and deletions thereto as authorized by California Health and Safety Code Sections 18941.5 and 17958.5; and

WHEREAS, this Ordinance will amend the San Luis Obispo County Code so that it adopts and amends Part 9 of the California Building and Standards Code, which is known as the 2010 California Fire Code, including Appendix Chapter 4 and Appendices B, BB, C, CC, F, H and I, as modified and amended. All other Appendices to the 2010 Fire Code are expressly not adopted by this Ordinance. All annual supplements and state amendments and errata are adopted by this Ordinance; and

WHEREAS, the Board of Supervisors of San Luis Obispo County adopted findings on November 9, 2010 as required by California Health and Safety Code Section 17958.7, that because of climatic, geological, and topographical conditions that exist in the county that the amendments to the adopted codes are reasonably necessary to protect the citizens life, health and property.

NOW THEREFORE, The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1:

Chapter 16.10 of the San Luis Obispo County Code is hereby amended to read as follows:

Chapter 16.10

CALIFORNIA FIRE CODE

Sections:

- 16.10.010 Adoption of the California Fire Code.
- 16.10.020 Definitions.
- 16.10.030 Establishment of limits for the storage of flammable or combustible liquids.
- 16.10.040 Establishment of limits for the storage of liquefied petroleum gases.
- 16.10.050 Establishment of limits for the storage of explosives and blasting agents.
- 16.10.060 Amendments made to the California Fire Code.
- 16.10.070 Appeals.

16.10.010 Adoption of California Fire Code.

Except as amended in Section 16.10.60, Part 9 of the California Building and Standards Code, which is known as the 2010 California Fire Code, including Appendix Chapter 4 and Appendices B, BB C, CC, F, H and I, are adopted by reference into this Chapter. All other Appendices to the 2010 Fire Code are expressly not adopted. All annual supplements and state amendments and errata are adopted by reference into this Chapter.

16.10.020 Definitions.

- (a) Wherever the word "jurisdiction" is used in the California Fire Code, it shall mean the unincorporated territory of the County of San Luis Obispo protected by the California Department of Forestry and Fire Protection/San Luis Obispo County Fire Department.
- (b) Wherever the phrase "Building Department" is used in the California Fire Code, it shall mean the San Luis Obispo County Department of Planning and Building.
- (c) Wherever the phrase "Chief of Police" is used in the California Fire Code, it shall mean the Sheriff of San Luis Obispo County. (Ord. 2774 §1 (part), 1996: Ord. 2633 §1 (part), 1993: Ord. 2435 §1 (part), 1990).

16.10.030 Establishment of limits for the storage of flammable or combustible liquids.

The limits referred to in Sections 3404.2.9.6.1 of the California Fire Code, "Locations where above-ground tanks are prohibited" by which the storage of flammable or combustible liquids is restricted are established by the provisions of San Luis Obispo County Code, including but not limited to, Titles 22 and 23. (Ord. 2774 §1 (part), 1996: Ord. 2633 §1 (part), 1993: Ord. 2435 §1 (part), 1990).

16.10.040 Establishment of limits for the storage of liquefied petroleum gases.

The limits referred to in Section 3804.2 "Maximum capacity within established limits" of the California Fire Code, by which storage of liquefied petroleum gas is restricted are established by the provisions of San Luis Obispo County Code, including but not limited to, Titles 22 and 23. (Ord. 2774 §1 (part), 1996: Ord. 2633 §1 (part), 1993: Ord. 2435 §1 (part), 1990).

16.10.050 Establishment of limits for the storage of explosives and blasting agents.

The limits referred to in Chapter 27 of the California Fire Code regarding the storage of explosive materials are established by the provisions of San Luis Obispo County Code, including but not limited to, Titles 22. and 23. (Ord. 2774 §1 (part), 1996: Ord. 2633 §1 (part), 1993: Ord. 2435 §1 (part), 1990).

16.10.060 The California Fire Code is hereby amended as follows:

Amendment No. 1

Section 101.1 "Title", is amended to read as follows:

101.1 Title. These regulations shall be known as the *Fire Code* of the County of San Luis Obispo, hereinafter referred to as "this code."

Amendment No. 2

Section 103. "Department of Fire Prevention" is amended by addition thereto as follows:

103.5 Fire prevention bureau personnel and police. "The chief of the fire department and certain other members of the California Department of Forestry and Fire Protection/San Luis Obispo County Fire Department have the authority of peace officers or public officers pursuant to California Penal Code sections 830.2(g), 830.7(d) and 836.5(a) in performing their duties under the California Fire Code."

Amendment No. 3

Section 105.3.3 "Occupancy Prohibited Before Approval" is amended to read as follows:

105.3.3 Occupancy and use prohibited before approval. The building or structure shall not be occupied prior to the fire code official issuing a permit that indicates that applicable provisions of this code have been met. No appliance, device, equipment, or system shall be operated or used until the installation has been approved and permitted by the fire code official and all applicable provisions of this code have been met. It shall be the duty of the permit applicant or contractor or both to cause the work to remain accessible and exposed for inspection purposes.

Amendment No. 4

Section 108.1 "Board of Appeals Established" is amended to read as follows:

108.1 Board of Appeals Established. Appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, shall be heard and decided by the Fire Code Board of Appeals established by the Board of Supervisors on 10-9-1990 (Consent Agenda Item A-15 which is on file in the Office of the County Clerk-Recorder).

Amendment No. 5

Section 202, "General Definitions" the definition of "Alteration" is amended to read as follows:

Alteration. Any construction change or renovation to an existing structure other than a repair or addition. Alterations include, but are not limited to, the addition or elimination of walls within the existing building envelope. Alteration also includes modifications to the structure which involve complete removal and replacement of wall board within any room.

Amendment No. 6

Section 202, "General Definitions" the definition of "Floor Area, Gross", is amended by addition thereto as follows:

For the purpose of calculating square footage for the application of fire sprinkler requirements and fire flow requirements, the floor area shall include all combustible areas attached to the structure, including garages, patio covers, overhangs, covered walkways and etc.

Amendment No. 7

Section 202, "General Definitions" is amended by addition thereto to include the following definition of "Greenhouse":

Greenhouse. An agricultural building used for the growing of plants. It shall include other structures also known as hothouses, cold frames and other similar specialty categories. It shall include without limitations, construction materials of glass, rigid plastic, flexible plastic, masonry, wood, metal and concrete.

Amendment No. 8

Section 405.7 "Initiation" is amended to read as follows:

405.7 Initiation. Where a fire alarm system is provided, emergency evacuation drills shall be initiated by activating the fire alarm system. Prior to initiating an alarm, the person initiating the alarm shall contact the fire alarm monitoring company and advise the company's dispatcher of the fire drill. In cases where the fire alarm system is not monitored by a central station, notification shall be provided to the fire department dispatch center.

Amendment No. 9

Section 503.1.2 "Additional Access" is amended by addition, thereto as follows:

503.1.2.1 Maximum Dead-end Road Lengths. The maximum length of dead-end roads, including all dead-end roads accessed from a dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

Parcel size	Length
less than one (1) acre	800 feet
1 acre to 4.99 acres	1320 feet
5 acres to 19.99 acres	2640 feet
20 acres or larger	5280 feet

All lengths shall be measured from the edge of the roadway surface at the intersection that begins from the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply. Where parcels are zoned 5 acres or larger, turnarounds shall be provided at a maximum of 1320 feet or 1/4 mile intervals.

Amendment No. 10

Section 503.2.3 "Surface" is amended to read as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of at least 40,000 lbs. of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. An all-weather surface road shall maintain 95% compaction as described in the County Public Works standard for an A-1j

rural roadway.

Amendment No. 11

Section 503.2.5. "Dead-ends" is amended by addition thereto as follows:

503.2.5.1 Cul-de-Sac. (temporary or permanent). The minimum outside turning radius shall be 40 feet unobstructed. The inside radius shall be 20 feet. When parking is permitted within the cul-de-sac, the minimum outside radius from center to curb shall be 48 feet.

Amendment No. 12

Section 503.2.6 "Bridges and elevated surfaces" is amended to read as follows:

503.2.6 Bridges and elevated surfaces. When a bridge or elevated surface is required to be used as access under this section, it shall be constructed and maintained in accordance with AASHTO HB-17, and shall use designed live loading sufficient to carry the imposed loads of a 40,000 lb. fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the Fire Chief. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, signs or both shall be installed and maintained when required by the fire code official.

Amendment No. 13

Section 503.2.7 "Grade" is amended to read as follows:

503.2.7 Grade. The gradient for a fire apparatus access road shall not exceed the following:

Surface	Maximum Grade
All-weather ¹	Less than 12%
Nonskid ²	12% to 16%
Nonskid ³	Over 16%

Notes:

- 1 An all-weather surface road shall maintain 95% compaction as described in the County Public Works standard for an A-1j rural roadway.
- 2 Surface shall be asphalt or concrete as specified in San Luis Obispo County Standard Specifications and Improvement Drawings including a nonskid finish.

- 3 A road with a grade greater than 16 percent and less than 20 percent may be authorized through an adjustment as set forth in Sections 22.54.020 F / 23.05.104.F (Adjustments) of the County Code.

Amendment No. 14

Section 503.2 "Specifications" is amended by addition there to as follows:

503.2.9 Driveway. A driveway may be used as an access road pursuant to this section only, when it serves no more than two structures, with no more than 3 dwelling units on a lot of record and any number of accessory structures. It must also meet the following specifications:

503.2.9.1 Driveway width for high and very high fire severity zones:

Length	Required Width
0-49'	10'
50'-199'	12'
Greater than 200'	16'

503.2.9.2 Turnarounds. Turnarounds must be provided if driveway exceeds 300 feet, and shall be within 50 feet of the building.

503.2.9.3 Driveway grade. The minimum level of improvement shall be determined by the grade of driveway providing access from the road to the building site or parking area as follows:

Surface:	Maximum Grade
All-weather ¹	Less than 12%
Nonskid ²	12% to 16%
Nonskid ³	Over 16%

Notes:

- 1 An all-weather surface road shall maintain 95% compaction as described in the County Public Works standard for an A-1j rural roadway.
- 2 Surface shall be asphalt or concrete as specified in San Luis Obispo County Standard Specifications and Improvement Drawings including a nonskid finish.
- 3 A road with a grade greater than 16 percent and less than 20 percent may be authorized through an adjustment as set forth in Sections 22.54.020 F (Adjustments) of the County Code. An adjustment may also be requested for a

driveway that exceeds 20 percent grade and is designed by a Registered Civil Engineer.

Amendment No. 15

Section 503.4 "Obstruction of Fire Apparatus Access Roads is amended to read as follows:

503.4 Obstruction of Fire Apparatus Access Roads Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The required width of a fire apparatus access road shall not be obstructed in any manner including parking of vehicles. Minimum required widths and clearances established under Section 503.2.1 shall be maintained at all times.

503.4.1 Authority to Remove Obstruction. The Fire Code Official and his authorized representatives shall have the power and authority to remove or cause to be removed, without notice, any vehicle or object parked or placed in violation of the California Fire Code and California Vehicle Code 22651. The owner of any item so removed shall be responsible for all towing, storage and other charges incurred.

Amendment No. 16

Section 505.1 "Address Identification" is amended to read as follows:

505.1 Address Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of: Residential 6 inches, Commercial 8 inches, and Industrial 10 inches high with a minimum stroke width of 0.5 inch (12.7mm).

505.1.1 Directories. When required by the fire code official, complexes with multiple buildings may be required to provide directories, premises maps and directional signs. The scale, design and location of directory signs shall be approved by the fire code official and may be required to be illuminated.

Amendment No. 17

Section 603.1.4 "Fuel Oil" is amended to read as follows:

603.1.4 Fuel Oil. The grade of fuel oil used in a burner shall be that for which the burner is approved and as stipulated by the burner manufacturer. Oil containing gasoline shall not be used.

Amendment No. 18

Section 606.8 "Refrigerant Detector" is amended to read as follows:

606.8 Refrigerant Detector. Machinery rooms shall contain a refrigerant detector with an audible and visual alarm. The detector, or a sampling tube that draws air to the detector, shall be located in an area where refrigerant from a leak will concentrate. The alarm shall be actuated at a value not greater than the corresponding TLV-TWA values shown in the California Mechanical Code for the refrigerant classification. Detectors and alarms shall be placed in approved locations. In addition, emergency shutoff shall also be automatically activated when the concentration of refrigerant vapor exceeds 25 percent of LFL (Lethal Flammable Limits).

Amendment No. 19

Section 903.2 "Where Required" is amended to read as follows:

903.2 Where required. An approved automatic fire sprinkler system shall be installed:

1. Throughout new buildings.

Exceptions:

1. A single-story building where floor area does not exceed 1000 square feet (92.9 m²) and the occupancy is not a Group R, Group H or Group I occupancy.
 2. A building that contains only a Group A, Division 5 occupancy.
 3. Agricultural accessory buildings as defined in Title 22, Section 22.06.040, 22.30.060 and Title 23, Section 23.08.041 of the San Luis Obispo County Code.
 4. Greenhouses.
2. Throughout existing and new sections of an existing building where floor area is increased by 1000 square feet or where alterations exceed 50 percent of the floor area. Increase in floor area shall be cumulative from January 1, 2008, with each issuance of a building permit, regardless of any change of ownership.

Exception: Alterations limited to replacement of exterior coverings, windows, roofing, electrical services, sewer laterals, retaining walls, and routine plumbing, electrical and mechanical repairs.

3. Throughout existing and new sections of an existing building where an additional story is added.

Exception: A building that contains a Group R, Division 3 occupancy unless the resulting building will exceed two stories or where floor area is increased by 1000 square feet or where alterations exceed 50 percent of the floor area.

Increase in floor area shall be cumulative from January 1, 2008, with each issuance of a building permit, regardless of any change of ownership.

4. In additions to existing buildings equipped with an automatic fire sprinkler system.
5. Throughout existing and new sections of an existing building where there is an occupancy classification change in which the new occupancy results in a higher hazard or as deemed necessary by the fire code official.
6. In buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled.
7. At the top of rubbish and linen chutes and their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Sprinkler heads shall be accessible for servicing.
8. Automatic fire sprinklers installed at exterior locations shall be approved corrosion-resistant devices when environmental conditions warrant.

For the purpose of requiring the automatic fire sprinkler systems specified in this chapter, the floor area within the surrounding exterior walls shall be considered as one building.

Subsections 903.2.2, 903.2.3.1, 903.2.5, 903.2.6, 903.2.7.1, 903.2.8 and 903.2.11.2 through 903.2.18 are adopted and incorporated herein in their entirety without amendment.

Amendment No. 20

Section 903.3.6 "Hose Threads" is amended to read as follows:

903.3.6 Hose Threads. Fire hose threads used in connection with fire-extinguishing systems shall be national standard hose thread or as approved by the fire department.

Amendment No. 21

Section 903.4 "Sprinkler System Supervision and Alarms" is amended to read as follows:

903.4 Sprinkler System Supervision and Alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically monitored for integrity and to ensure valves are locked in the open position, by a central station listed by Underwriters Laboratories for receiving fire alarms.

Exceptions:

1. Automatic sprinkler systems protecting one and two-family dwellings.

2. Limited area sprinklers serving fewer than 20 sprinklers.
3. Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the automatic sprinkler system, and a separate shutoff valve for the automatic sprinkler system is not provided.
4. Jockey pump control valves that are sealed or locked in the open position.
5. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
6. Valves controlling the fuel supply to a fire pump engine that are sealed or locked in the open position.
7. Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed or locked in the open position.

Subsections 903.4.1 through 903.4.3 are adopted without amendment.

Amendment No. 22

Section 904.11 "Manual System Operation" is amended by addition thereto as follows:

904.11.1. Manual System Operation Training. It shall be the responsibility of the business owner to insure that all employees are knowledgeable in the use of manually operated or activated fire-extinguishing systems within the occupancy.

Amendment No. 23

Section 907.7.5 "Monitoring" is amended to read as follows:

907.7.5 Monitoring. Fire alarm systems required by this chapter or by the California Building Code shall be monitored by an approved supervising station listed by Underwriters Laboratory for receiving fire alarms in accordance with NFPA 72. The supervising station shall contact and notify the Fire Chief or their call receiving location immediately on notification of an alarm and prior to making contact with the protected premises.

Exception: Supervisory service is not required for:

1. Single- and multi-station smoke alarms required by Section 907.2.11.
2. Group I-3 occupancies shall be monitored in accordance with Section 907.2.6.3.4.
3. Automatic sprinkler systems in one- and two-family dwellings.

Amendment No. 24

Chapter 27, "Hazardous Materials-General Provisions", is amended by addition thereto as follows:

If any provision of Chapter 27 as it pertains to Explosive Material is in conflict with San Luis Obispo County Code Chapter 6.32, the provisions of Chapter 6.32 shall.

Amendment No. 25

Chapter 33, "Explosives and Fireworks", is amended by addition thereto as follows:

If any provision of Chapter 33 conflicts with San Luis Obispo County Code Chapter 6.32, the provisions of Chapter 6.32 shall control.

Amendment No. 26

Section 3309 "Reserved" is amended by addition thereto to read as follows:

3309.1 Fireworks Prohibited. The manufacturing, possession, storage, sale, use and handling of fireworks, including without limitation, "Safe and Sane" fireworks, is prohibited.

Exceptions:

1. Storage of fireworks in accordance with the requirements for low order explosives in Title 19, California Code of Regulations, Chapter 10.
2. Storage of fireworks, 1.4G in accordance with the Building Code.
3. Use and handling of fireworks for professional display in accordance with Title 19, California Code of Regulations, Chapter 6.

3309.2 Seizure of Fireworks. The fire code official shall have the authority to seize, take and remove fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Title 19, California Code of Regulations, Chapter 6 and California Health and Safety Code, Chapter 9.

Amendment No. 27

Section B103.3 "Areas Without Water Supply Systems" of Appendix B Fire-Flow Requirements for Buildings, is amended to read as follows:

B103.3 Areas without water supply systems. In areas without service water companies, National Fire Protection Association (NFPA) Standard 1142, or NFPA Standard 13, current edition, is used to establish on-site storage capacities, except that in all cases a minimum storage capacity of 2,500 gallons is required if so authorized by the fire code official.

16.10.070 Appeals

- (a) Any appeals to the requirements of this section shall be heard in accordance with Section 108 of the California Fire Code.

SECTION 2:

The Board of Supervisors has considered the changes that are proposed with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, the evidence presented at the hearings on said matter, and all comments that were received during the public hearing process, determined that this activity is exempt from review pursuant to Section 15061(b)(3) which provides that an activity is not subject to CEQA review where it can be seen with certainty that there is no possibility that it may have a "significant effect on the environment." The Board of Supervisors finds that it can be seen with certainty that there is no possibility that the adoption and amendment of the 2010 California Fire Code may have a significant effect on the environment because there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment. The Board of Supervisors hereby approves this adoption and amendment of the 2010 California Fire Code in accordance with the California Environmental Quality Act and the County's regulations implementing said Act.

SECTION 3:

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4:

The fire chief is hereby authorized and directed to transmit a copy of this ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

SECTION 5:

This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof, but not before January 1, 2011. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at the regular meeting of the Board of Supervisors held on the 9th day of November, 2010, and **PASSED** and **ADOPTED** by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 7th day of December, 2010, by the following roll call vote, to wit:

AYES: Supervisors: Bruce S. Gibson, Adam Hill, James R. Patterson, Chairperson
Frank Mecham

NOES: None

ABSENT: Supervisor: K.H. 'Katcho' Achadjian

ABSTAINING: None

The foregoing ordinance is hereby adopted.

Frank Mecham
Chairman of the Board of Supervisors
of the County of San Luis Obispo,
State of California

ATTEST:

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board
of Supervisors of the County of San Luis Obispo,
State of California

By: Annette Ramirez
Deputy Clerk

[SEAL]

**ORDINANCE CODE PROVISIONS APPROVED
AS TO THE FORM AND CODIFICATION:**

WARREN R. JENSEN
County Counsel

By: /s/ Nina Negranti
Deputy County Counsel

Dated: October 29, 2010

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, JULIE L. RODEWALD, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors this 21st day of December, 2010.

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk of the
Board of Supervisors

By: 
Deputy Clerk

10. Fire
2010-2011

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday November 9, 2010

PRESENT: Supervisors Bruce S. Gibson, Adam Hill, K.H. 'Katcho' Achadjian,
James R. Patterson and Chairperson Frank Mecham

ABSENT: None

RESOLUTION NO. 2010-319

RESOLUTION ESTABLISHING SPECIAL FINDINGS RELATED TO ADOPTION
OF THE 2010 CALIFORNIA FIRE CODE AND AMENDMENTS BASED ON LOCAL
CLIMATIC, GEOGRAPHICAL AND TOPOGRAPHICAL CONDITIONS.

The following resolution is hereby offered and read:

WHEREAS, it is the desire and intent of the Board of Supervisors of San Luis
Obispo County to provide citizens with the greatest degree of protection from fire; and

WHEREAS, the California Building Standards Code, Title 24, which incorporates the
California Fire Code, is adopted every three years by order of the California Legislature with
supplements published in intervening years; and

WHEREAS, latest edition of the California Building and Standards Code was
published this year and has the force of law beginning January 1, 2011 and the Board of
Supervisors desires to make local additions, amendments and deletions thereto as authorized
by California Health and Safety Code Sections 18941.5 and 17958.5; and

WHEREAS, the Ordinance introduced on this date will amend the San Luis Obispo
County Code Chapter 16.10 so that it adopts and amends the 2010 California Fire Code,
including Appendix Chapter 4 and Appendices B, BB, C, CC, F, H and I, as modified and
amended, including annual supplements and state amendments and errata; and

WHEREAS, the Board of Supervisors of San Luis Obispo County desires to make
findings as required by California Health and Safety Code Sections 17958.7 and 18941.5 that
because of climatic, geographical and topographical conditions that exist within San Luis
Obispo County, the amendments to the adopted codes are necessary to protect citizens' life,
health, the community environment and property; and

WHEREAS, the Fire Chief for San Luis Obispo County has prepared a Report and
Findings setting forth the underlying factual support for the required local findings, a copy of
which is attached hereto as Exhibit A and incorporated herein by reference as though fully set
forth herein.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, as follows:

1. That the recitals set forth hereinabove are true, correct, valid and incorporated into the body hereof by this reference.

2. Based upon the facts contained in the Report and Findings attached as Exhibit A, the Board of Supervisors hereby makes findings that because of climatic, geographical and topographical conditions that exist throughout the unincorporated areas of San Luis Obispo County, the amendments to the adopted codes are necessary to protect the life, health, environment and property within the unincorporated areas of San Luis Obispo County. Said Report and Findings is hereby approved and adopted in the form set forth in Exhibit A.

Upon motion of Supervisor Patterson, seconded by Supervisor Achadjian, and on the following roll call vote, to wit:

AYES: Supervisors Patterson, Achadjian, Gibson, Hill and Chairperson Mecham

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing Resolution is hereby adopted.

Frank Mecham
Chairperson of the Board of Supervisors

ATTEST:

Julie L. Rodewald
Clerk of the Board of Supervisors
By: /s/ Sandy Currens

APPROVED AS TO FORM AND LEGAL EFFECT:
WARREN R. JENSEN County Counsel

By: /s/ Nina Negranti
Deputy County Counsel

Dated: 10/29/2010

STATE OF CALIFORNIA) ss.

COUNTY OF SAN LUIS OBISPO)

I, JULIE L. RODEWALD, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors this 15th day of November, 2010.

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: Sandy Currens
Deputy Clerk

EXHIBIT A

SAN LUIS OBISPO COUNTY FIRE DEPARTMENT REPORT AND FINDINGS

Pursuant to Sections 17958.7 and 18941.5 of the California Health and Safety Code, this *Report and Findings* constitutes the findings to support the proposed Ordinance Amending Chapter 16.10 of the San Luis Obispo County Code by Adopting and Amending the 2010 Edition of the California Fire Code, Including Annual Supplements and State Amendments and Errata (“Ordinance”). Pursuant to the Ordinance, specific amendments have been established which are more restrictive in nature than those sections adopted by the State of California and contained in Title 24 and Title 25 of the California Code of Regulations.

The amendments to the 2010 Edition of the California Fire Code (which is based on the 2010 International Fire Code as published by the International Code Council, and is part of the California Code of Regulations/California Buildings and Standards Code, Title 24, Part 9), are necessary to address the unique fire problems facing San Luis Obispo County due to the unique local conditions as noted below.

Under the provisions of Sections 17958.5 and 18941.5 of the Health and Safety Code, local amendments shall be based on climatic, geographical, or topographical conditions. The findings contained herein shall address each of these situations and shall present the local conditions which cause the need for the amendments to be adopted.

SAN LUIS OBISPO COUNTY PROFILE

San Luis Obispo County has over 257,000 residents and an area of 3,316 sq. mi. It includes diverse topography, including beaches and coastline bluffs, extensive agriculture, oak and coniferous forests, mountains, and high deserts. There is significant critical infrastructure in the County, which has experienced rapid growth in recent years. The County has a history of earthquakes, including the 2003 San Simeon Earthquake (two deaths, \$239 million damage), and is the home to Diablo Canyon Nuclear Power Plant. The County’s northern and eastern borders are relatively remote, and as a result we cannot rely on timely mutual aid responses from neighboring counties in those directions.

Significant critical infrastructure exists in the County, including: Diablo Canyon Nuclear Power Plant, one commercial gas-fired electrical power plant, and 535 mi. of 110-500kv transmission lines; four drinking water reservoirs, 70 mi. of water transmission pipelines, one pumping station and one holding station; two sea ports; 110 mi. of roadways designated as National Security Route and part of the Strategic Highway Network with 21 major bridges; two National Guard bases, housing active Army satellite, maintenance and fiscal operations; 72 mi. of main line railroad with seven major bridges, five tunnels and a switchback loop; one prison facility with 6,500 inmates (directly below

the afore-mentioned railroad switchback loop) one commercial service airport, one general aviation airport, one basic utility airport, and one FAA navigational beacon; one oil refinery, three oil pipeline pumping stations, and 215 mi. of 12-26 inch oil and natural gas transmission pipelines; one departure hub for oceanic telecommunication cables; Hearst Castle and other state parks; one campus of the California State University system, with 19,000 students, performing arts and sports venues; two community college campuses, with 11,150 students, performing arts and sports venues; five acute care hospitals; and, one maximum-security mental hospital with up to 1,200 patients.

Local wineries, beaches, and other attractions draw large numbers of tourists into the area, with resulting planning and security issues. The region has a long history of earthquakes, and is a designated tsunami hazard area. One of only three major north-south highway routes in California passes through the County, as does one of only two major north-south railway lines. Any disruptions to highway or railroad transportation would have significant impacts over a much larger area. Additionally, any such disruptions could totally isolate the region from other parts of the state, significantly limiting the amount of outside help available during an emergency.

After due consideration the County Board of Supervisors of the County of San Luis Obispo hereby finds that due to local climatic, geologic and topographic conditions as stated in this section, that modifications and changes to the current California Building Standards Code are reasonably necessary to provide sufficient and effective protection of life, health and property.

Climatic.

San Luis Obispo County experiences periods of high temperatures, accompanied by low humidity and high winds each year. These conditions create an environment in which the Fire Department commits large numbers of fire fighting resources to the control and extinguishment of wildland fires. During such periods, the limited available firefighting resources may have great difficulty in controlling fires in structures not having built-in fire protection. Other weather conditions also create an environment in which the Fire Department has a reduction in visibility. During such periods this reduction in visibility is caused by Coastal Fog, Tule Fog and dust which can cause a delay in locating an incident.

Geological.

San Luis Obispo County is in a potential high activity seismic zone. After a large seismic event, the potential for multiple fires occurring simultaneously will tax available firefighting resources. Near shore and long distance Tsunami's can flood and damage sections of the coast. During flooding events it is well documented that building and other fires can occur. Built-in fire protection will assist in extinguishing or controlling fires in larger structures, which will increase the availability of firefighting resources after seismic activity.

Topographical.

San Luis Obispo County has rural areas that are in very high fire hazard areas. Due to topography, access to structures in rural areas increases response time and delays fire suppression efforts. An extended response time will allow fires to grow beyond the control of initial attack fire suppression resources. Large structure fires in the hillside areas will have a greater likelihood of starting a wildland fire, which may expose additional structures to fire. Therefore, built-in fire protection is necessary in the protection of life and property.

CONCLUSION

The amending and adoption of the 2010 California Fire Code identifies a legally accepted and recognized means to insure public safety and proper protection from fire. The adoption of these Codes together with the amendments provides a reasonable and established means of adequately protecting life, environment and property in the unincorporated parts of San Luis Obispo County.

Based on these findings, Ordinance No. XXXX, will provide effective protection of the residents, the environment, as well as property and help reduce the ravages of fire.

While the adoption of stringent regulations may not prevent all incidents of fire or deaths from fire, the implementation of the various codes and/or requirements will reduce the severity and potential for the loss of life, damage to the environment and property in the unincorporated parts of San Luis Obispo County.

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